

Agenda Item	5.1
Report No	PLS-028-20

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 26 May 2020
Report Title: 20/00493/FUL: Albyn Housing Society Ltd
Land 50m North of The Hermitage, St Olaf Manor, Cawdor Road, Nairn
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of 10.No amenity FIT homes

Ward: 18 – Nairn and Cawdor

Development category: Local

Reason referred to Committee: Community Council Objection

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks permission for the erection of 10 single bedroom 'FIT' homes which are intended to provide accommodation designed to cater for tenants who have various medical needs and allow them to be supported while maintaining some independence. The proposed units are for assisted care which in certain cases is replacing the requirement for prolonged hospital care. The development is being progressed under the City Region Deal and comprises a joint project between Albyn Housing Society, the NHS and The Highland Council (Housing Service). The development comprises single storey semi-detached and cottage flat style units of a modular construction to be built off site. The units are positioned in a U shape layout which accommodates a central courtyard area.
- 1.2 The proposals were considered at South Planning Applications Committee, following a site visit, at its October 2019 meeting, where the application was refused for the following reason:
- Due to the scale and height of the proposed mitigation of barrier fencing, this development would be contrary to Policy 28 of the Highland wide Local Development Plan as it would have an unacceptable impact on individual and community residential amenity.*
- 1.3 The developer considers that the re-submission provides additional information to support the suitability of a 5m high acoustic fence within the proposals. All other elements of the scheme are as previously considered.
- 1.4 The site is to utilise the existing access which serves St Olaf's Manor nursing home. Foul surface water drainage connections are available to the site.
- 1.5 Pre-Application Consultation: Informal advice was given around re-submitting the application.
- 1.6 Supporting Information:
- Arboricultural Impact and Method Statements and Maintenance Programme
 - Daylighting Analysis
 - Design and Access Statement
 - Drainage Impact Assessment
 - Noise Impact Assessment
 - Protected Species Survey
 - Bat Survey
- 1.7 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is located to the north of St Olaf Manor and Hermitage House within the grounds associated with the existing care home. The site is relatively level and overgrown with several self-seeded and mature trees within the site providing a boundary between Nairn County Hospital which is located to the north and the sawmill which is located to the west of the site. Access will be taken from the existing access to the care home which is located to the western side of Cawdor Road. The

area of land to the east of the site currently has an extant permission for the erection of flatted accommodation, development has commenced on this site. Since proposals were previously considered a stone wall has been removed from the site and replaced with a smaller fence which does not appear to be an acoustic barrier style of fencing.

3. PLANNING HISTORY

3.1	15.10.2007	07/00048/OUTNA - Development of 4 care home units and 21 flats	Permission Refused
3.2	14.09.2009	08/00100/OUTNA - Development of 4 care home units (22 beds) and 17 flats	Permission Refused
3.3	20.10.2011	10/01660/PIP - Proposed Two Storey Care Home (22 beds) with associated flatted accommodation (12 units)	Permission Granted
3.4	06.10.2016	14/03721/FUL - Erection of 12 flats including alterations to existing access road	Permission Granted
3.5	04.11.2019	18/05908FUL - Erection of ten dwellings with associated garden and parking areas	Permission Refused

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 25.02.2020 – Nairnshire Telegraph

Representation deadline: 10.03.2020

Timeous representations: 5 (4 objections and 1 support comment)

Late representations: 1 from Nairn West and Suburban Community Council (comments included in consultation section)

4.2 Material considerations raised are summarised as follows:

- a) Safety, privacy and 'peace and tranquillity' of vulnerable residents compromised
- b) Impact on residential amenity from the sawmill and potential subsequent complaints putting a burden on sawmill operation and economic activity of the wider settlement as a result
- c) Concern raised over the content and standard of the Noise Impact Assessment submitted and insufficient period over which noise was monitored
- d) Agent of Change Principle and that the authority cannot impose additional costs on the sawmill with the onus being on the applicant to provide mitigation
- e) Concerns over increased traffic construction and operation
- f) Loss of visual amenity
- g) Impact on wildlife
- h) Loss of trees
- i) Loss of use of outdoor space

- j) Proposals being contrary to Nairn South Strategic Masterplan in terms of siting and noise criteria to be met for any future development
- k) Differences of opinion between sawmill Noise Consultant and Environmental Health's comments

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Nairn River Community Council** - Object to the proposals.

Its initial response raised no objection and it was agreed that no further comments were to be submitted as a statutory consultee as the previous concerns raised related to the loss of trees, natural environment and noise, were addressed by revisions to the plans. Concern was raised over the two-storey element of the proposals due to the potential abilities of the group who are to reside here. Clarification was sought as to whether an Equalities Impact Assessment was required for the development.

Its second response raised an objection on the basis that, if approved, the development could impose additional cost and burden on the adjacent sawmill. The noise analysis is uncertain, predicated noise levels are speculative and subject to a margin of error.

The previous reason for refusal is referenced and it is commented that the developer and Environmental Health are of the view that, without a substantial barrier noise levels would be unacceptable. It is commented that if the barrier is 5m as was originally assessed and was considered to be contrary to Policy 28, then the same barrier is still unacceptable.

The 2019 Planning Act places the obligation on the developer/applicant to ensure that there is no additional resource cost on neighbouring industrial operations to mitigate, minimise or manage the effects of noise. The position taken by the Council officials at SPAC (that Gordons' sawmill would have to mitigate any additional noise from new machinery) is now untenable under the 2019 Act.

An excerpt from the September SPAC report relating to the conditions which were previously recommended by Environmental Health are referenced within the response which require the developer to provide all unknown noise mitigation; it is queried whether the developer is now willing to accept mitigation responsibility and costs while the buildings are within their control.

It is also commented that if the mitigation requires unavoidable damage to trees and this has been determined then the applicant should be refused until protection to trees and their root systems are in place.

The Community Council has made clear in all correspondence that it is of the view that proposals should be referred to SPAC.

5.2 **Nairn West and Suburban Community Council** object to the proposals however has not commented as a statutory consultee. It is noted that the proposal has wider implications for the town due to the adjacent sawmill being a major employer and

contributor to the wider community. It is requested that the proposal is referred to Planning Committee to be considered.

The main issue highlighted relates to noise, that this was the previous reason for refusal, and that Environmental Health indicate that there are doubts as to whether sawmill noise can be adequately mitigated with the installation of a 5m high barrier. It is commented that the sawmill operates 24/7 and that noise would be insufferable at 2 or 3am. It is highlighted that intermittent noise such as banging as referred in the Environmental Health response is an issue and that the barrier will not protect against noise from all directions and that a 5m high barrier is insufficient.

It is submitted that PAN 56 (no longer in force - PAN 1/2011 Planning and Noise supersedes) sets out that planning authorities should try as a matter of good practice to keep a suitable distance between noise sensitive development and established business which generates noise. It is considered that it would be bad planning practice to locate noise sensitive residential development adjacent to the established business.

A comment is also made in relation to the design of the units in that there are two storey units with external stairs; it is submitted that this is poor design when the housing is specifically designed for the elderly and infirm.

5.3 Environmental Health confirm that it has concerns regarding noise impact and potential for loss of amenity to residents. The Service is aware that the site will be considered as an amenity/garden area whether the development is permitted or not. The inclusion of a 5m high barrier is considered to be the best practical means available to reduce noise impact and will offer the sawmill a degree of protection for any possible future complaints. An objection would be raised if a recommended condition relating to the installation of the 5m high barrier, in advance of occupation of the units is not attached. Further comments within the report from Environmental Health are also summarised below.

Noise from the adjacent sawmill could adversely impact on the amenity of residents and complaints could restrict or hamper existing or future operations of the sawmill site. It is understood that the application site is an existing garden area and while not used as such presently there is nothing to preclude this use. It is also understood that the site to the east has planning permission for residential development and is not subject to noise conditions. Environmental Health undertook their own assessment on site:

Daytime noise levels ranged from LAeq(15 min) 47dB – 54dB and LAeq(1hr) 48 – 53dB.

The noise was of an irregular nature such as bangs, clattering, reversing alarms etc – it is acknowledged that this can be more annoying and intrusive than a steady state noise (such as traffic) and could significantly increase the impact of the noise on any residents.

It is noted that the Service has taken into account the lawful use of the site being an amenity area, as such could reasonably expect to be afforded a degree of protection from existing sawmill operations. The inclusion of a 5m high barrier would be expected to reduce noise at the site by 10dB(A).

It is also noted that as the site is currently considered to be an amenity area, and that the sawmill has its own obligations to implement best practicable means to

minimise the noise impact arising from its site operations on any neighbouring noise sensitive areas.

With a 5m high barrier it is noted that noise will still be audible on the site and that several noise sources at the sawmill do not appear to emanate from immediately behind the proposed barrier. Any noise from a S/SW direction of the site would not be mitigated to the same extent as those positioned directly behind it.

- 5.4 **Flood Risk Management Team** confirm it has no objections and note that the site is outwith the extents of any coastal, fluvial or pluvial flooding. It is also noted that the Drainage Impact Assessment confirms that a favourable infiltration rate exists on site and an infiltration drainage strategy is proposed. It is also noted that maintenance of private drainage will be factored or maintained directly by the applicant.
- 5.5 **Forestry Officer** confirms no objections subject to there being adequate replacement planting proposals. It is highlighted that the proposal now involves the removal of the trees on the western boundary to accommodate the proposed acoustic barrier and that 37 new trees are proposed, however that more trees along the western boundary of the site should be secured by recommended conditions.
- 5.6 **Transport Planning** confirm it has no objections. It is noted that a review of traffic incident data shows that there is no accident history at the junction with the B9090 Cawdor Road. It is also noted that the car parking requirement for the development meets the Council's car parking guidelines including the provision of disabled car parking spaces.
- 5.7 **Scottish Water** confirm it has no objections and highlight that there is currently sufficient capacity in the Inverness Water Treatment Works and Nairn Waste Water Treatment Works but that this capacity cannot be reserved. Direct application to Scottish Water is required to utilise their infrastructure. It is noted that there is Scottish Water infrastructure within the site boundary and that the Asset Impact Team require to be contacted directly to identify any conflicts. An informative is recommended.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 31 - Developer Contributions
- 51 - Trees and Development
- 56 - Travel
- 58 - Protected Species
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

6.2 **Inner Moray Firth Local Development Plan (2015):**

Located within Nairn Settlement Development Area

6.3 **Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)

Developer Contributions (March 2013)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (The Scottish Government, June 2014)

8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) siting and design
- c) residential amenity
- d) access and servicing
- e) loss of trees and impact on wildlife
- f) developer contributions
- g) any other material considerations.

Development plan/other planning policy

8.4 The site lies within Nairn Settlement Development Area. The development of this site is largely in keeping with surrounding land uses such as the care home and hospital. Policy 34 – Settlement Development Areas of the HwLDP applies a supportive approach to development in such areas where all other policies of the development plan are complied with. Policies relevant in assessing the proposal include Policy 28 – Sustainable Design which lists a number of criteria against which

all developments are assessed. Of particular relevance to this proposal is the impact upon individual and community residential amenity; and, demonstration of sensitive siting and high-quality design which is in keeping with local character and historic and natural environment and in making use of appropriate materials. It is also stated that development should accommodate the needs of all sectors of the community, including people with disabilities or other special needs and disadvantaged groups and any developments contribution to the social development of a community is also considered.

- 8.5 As there are trees within and adjacent to the site, consideration has to be given to Policy 51 – Trees and Development. This outlines that the Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. There should be adequate separation distances between trees and development; where trees are removed the Council will secure compensatory planting.
- 8.6 Subject to the proposal demonstrating sensitive siting and high-quality design which is in keeping with local character and historic and natural environment, has no adverse impact on existing infrastructure, with no significant impact upon individual and community residential amenity, then it would comply with the Development Plan.
- 8.7 It should be noted that the site is not located within the Nairn South Strategic Master Plan Area, therefore an application could not be refused for non-conformity with the Masterplan and the masterplan is therefore not a material planning consideration in determining the application.

Siting and Design

- 8.8 The development of the site is largely in keeping with surrounding land uses being a care home and hospital. A sawmill also neighbours the site which could have an impact on residential amenity due to noise from the sawmill, this will be covered further in the following sections of the report.
- 8.9 The layout and design of the scheme has been re-submitted as previously considered by Members. The current layout was informed by the need to ensure that the Giant Sequoia (*Wellingtonia*) tree is not impacted by the development which was originally due to an objection submitted by Nairn River Community Council. In order to ensure the retention of the tree, there is one block of cottage flats which reduces the footprint of the scheme. The single storey units are relatively modest and simple in design with a mix of render and Cedral cladding across the elevations, the roof is to be finished in dark profile sheeting. The two-storey cottage style of flats utilise the same materials and include external stairways to give access to upper floors, stairs are within a recessed, covered area. Further detail on external materials can be secured by condition. The design is considered appropriate and there will be no direct overlooking which would significantly impact on the amenity of existing care home residents.
- 8.10 Representations relate to the upper floors not being suitable for the client base. It should be noted that residents may not necessarily have disabilities which preclude them from accessing the upper floors and that the client base is likely to be varied. Abilities of potential residents would be considered prior to occupation which is

managed by the applicant. Given there is a significant need for such accommodation the upper storey block was progressed by the applicant in order to ensure that the 10 units could be provided to ensure as many people as possible can access the accommodation on this site. Therefore, the upper floor units were progressed over reducing the number of units in the interest of maximising the number of people who can move into such accommodation.

Residential Amenity

- 8.11 The main concern in assessing proposals and as raised in representations relates to noise from the sawmill and the impact that this could have on residents; further the impact that this could have on the sawmill in the event that their operations require to change if noise becomes an issue to residents.
- 8.12 Environmental Health's comments are provided in detail above. In representations received there is reference to the previous comments and recommended conditions by Environmental Health and referred to within the Committee Report (27 September 2019) which is appended to this report for reference.
- 8.13 In Environmental Health's original response to the proposals last year, they initially objected on the grounds of the external noise levels which would be experienced by future residents and not to internal noise levels. A number of conditions were recommended at that time and the issues were addressed in the previous Committee Report. These are still considered to be appropriate following the assessment of the re-submitted application:
- 8.14 *The applicants were asked whether they would be agreeable to the conditions being attached but are of the view that the conditions introduce uncertainty and risk to the project. For example; if the sawmill changed its operations and noise increased within the site it would be likely that the implementation of further mitigation would be for the applicant, and not the sawmill, to provide.*

At present, the site, while overgrown and not in use as a garden area, is an external area associated with the nursing home. There is nothing to preclude this being used as a garden area/external area associated with a similar use on the site at the moment. Further to this, the site to the east of the application site has planning permission for residential development, which is currently live, and not subject to any noise related conditions. In addition, the previous approval on the site did not require to mitigate against noise from the sawmill. The applicant also submits that they have control over the site and manage who will be within the units. If there is an issue from a particular client over noise the housing authority can intervene. Admittedly this would not be relevant if the units were ever sold off and not kept within the control of the applicant.

Given the context there is a concern that the proposed conditions are unreasonable and would place an unacceptable burden on the developer to meet a noise level which may well be outwith their control to achieve. The developer may require to implement additional mitigation to occupy the development; mitigation which is unknown at this time, could have implication in terms of design and visual amenity and also impact on trees and tree roots.

Cognisance must also be given to the existing legal use of the site which is amenity ground associated with a care home and could therefore already be utilised by vulnerable users, subject to being cleared for that meaningful purpose. What is proposed as part of this development improves the situation for other current and future users and residents of the site.

- 8.15 At present, Environmental Health has based their comment on the current lawful use of the land being an amenity area. When the proposals were previously considered at Committee, Environmental Health highlighted that as it is an existing amenity area, the sawmill already has an obligation to provide mitigation against noise, even without the proposed development being on site. This was due to the current lawful use of the land. While it is acknowledged that the margin of error in maintaining an appropriate level of noise once a 5m high barrier is in place is marginal, the barrier would be the best practical means of protecting the external amenity of residents based on current operations within the sawmill. If operations were to change within the sawmill the developer would be expected to provide further additional mitigation. Given the scale of the proposed barrier at present and that the developer has no control over sawmill operations, such conditions would place an unreasonable burden on the developer.
- 8.16 To provide further clarity as to why the conditions are not recommended; under the provisions of "*Planning Circular 4/1998: the use of conditions in planning permissions*", the Planning Authority require to ensure that six tests are met in attaching conditions, one of which is that they must be reasonable. It is not considered reasonable to allow the applicant to develop the site, then to undertake noise surveys from a source they have no control over which could preclude the actual occupation of the units. This would leave the previously recommended conditions open to challenge. Further, they are no longer recommended by Environmental Health and do not form the basis of any objection.
- 8.17 As considered within the consultation response the existing site could reasonably expect to be afforded a degree of protection from existing sawmill operations and that the sawmill already has its own obligations to implement best practicable means to minimise the noise impact arising from its site operations on any neighbouring noise sensitive areas.
- 8.18 It could therefore be considered that the sawmill already has an obligation to mitigate against noise experienced within this external amenity area if this was to come back into productive use, either by the care home, or as an amenity area associated with the flats (approved under 14/03721/FUL) which have already commenced construction on site. The onus may be put back onto the sawmill to provide the mitigation measures, and not the developer in the event that complaints are received and that noise from the operation of the sawmill is found to be a statutory noise nuisance. A noise survey undertaken by Environmental Health based on current operations on site appears to indicate that with the inclusion of the 5m high barrier, noise levels should be under a level which would mean that it would be a statutory nuisance to existing and future residents, albeit with a small margin of error.
- 8.19 Reference in representations is made to differences found in information gathered by Environmental Health. This was due to a high wall which would have had acoustic

properties having been demolished on part of the western boundary, which has likely resulted in a different noise level, as a much lower fence has been built as agreed between the sawmill and care home. Environmental Health data collected based on the current situation on site found that the noise level while the sawmill was operating ranged from:

- LAeq(15 min) 47dB – 54dB
- LAeq(1 hr) 48dB – 53dB

The 5m high barrier is expected to reduce these levels by 10dB which is estimated to bring the noise level down to a maximum of 44dB at LAeq(15min) and 43dB at LAeq(1hr).

8.20 Environmental Health recognise that the highest acceptable noise limit would be 45dB, with the inclusion of the 5m high barrier, it is estimated noise levels would be reduced to 43dB. This is based on Environmental Health's survey which was undertaken following the demolition of the wall and leaves a slim margin of 2dB before the noise would become defined as a statutory nuisance. Previously there was a 4dB margin of error, before the wall was demolished and replaced with the barrier with lesser acoustic properties. This has now increased noise from the sawmill at the site. It therefore appears that the inclusion of the 5m high barrier will reduce noise to an 'acceptable' level albeit with a slim 2dB margin of error. It is therefore considered that the barrier would provide the noise mitigation required, with a 1 – 2dB margin of error based on Environmental Health's own noise survey.

8.21 Representations suggest that the proposal is contrary to the 'Agent of Change' principle as set out in The Planning (Scotland) Act 2019. The principle requires developers building near businesses such as music venues to address noise issues, noting that:

A development that is the subject of an application for planning permission is a "noise-sensitive development" if residents or occupiers of the development are likely to be affected by significant noise from existing activity in the vicinity of the development (a "noise source").

... a planning authority must, when considering...whether to grant planning permission for a noise-sensitive development subject to conditions, take particular account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing cultural venues or facilities (including in particular, but not limited to, live music venues), or dwellings or businesses in the vicinity of the development, and may not, as a condition of granting planning permission for a noise-sensitive development, impose on a noise source additional costs relating to acoustic design measures to mitigate, minimise or manage the effects of noise."

8.22 In assessing the proposals alongside Environmental Health's consultation response, it is considered that the development includes sufficient measures to mitigate and minimise the effect of noise in installing the 5m high barrier. This recommendation

to grant planning permission does not include any conditions which impose further restriction on the sawmill as the source of noise. The developer would be the party to deliver the mitigation. It is considered that the requirements of the recent change to legislation have therefore been complied with.

- 8.23 It should also be noted that there are references to Committee having previously recommended refusal on the basis of the noise mitigation. The reason for refusal related to the impact of the proposed barrier in terms of its physical scale, and not as an insufficient barrier to noise. It is understood that this was because it had been demonstrated that the 5m high barrier would provide for an acceptable level of noise mitigation, which would then have resulted in such a reason for refusal being open to challenge. The applicant has submitted additional visualisations to demonstrate how the barrier can be accommodated and the visual impact mitigated; to reiterate, this forms the basis of the current proposal.
- 8.24 Supporting information for the proposal includes visualisations and a detailed Landscape Plan which shows that the barrier can be landscaped, and the fence can be finished in a green colour and planted which would assist in helping the barrier to assimilate into its surroundings until such time as the tree planting is established. The plans demonstrate that the height of the barrier will not have an impact in terms of impact to daylighting/overshadowing over what would currently be experienced from the existing trees on site. Once bedded in, and following landscaping having grown to a sufficient scale, the barrier would also visually screen the industrial site from its residential neighbours, which would be a significant and positive improvement. It is considered that the developer has provided sufficient information to demonstrate that the barrier can be accommodated within the site; while it's scale cannot be reduced the visual impact can be mitigated.

Access and Servicing

- 8.25 The existing access from Cawdor Road into the care home is to be utilised, with a private car parking area being accommodated to the front of the development which is consistent with car parking for the nursing home. It also allows a degree of separation from the nursing home to the proposed units. The Transport Planning Team confirm no objections and state that the fifteen spaces proposed is adequate and in line with Roads Guidelines. It is noted that other services will connect to the public network which is supported. There are no issues in this regard.

Trees and Wildlife

- 8.26 There are a number of trees on site that have the potential to be impacted by the development, particularly one Wellingtonia Tree which is to be retained. In order to ensure its retention a number of arboricultural assessments have been submitted in consultation with the Forestry Officer. Compensatory Planting has to be provided within and adjacent to the site in order to make up for any tree loss. The Forestry Officer recommends conditions to secure appropriate mitigation, re-planting and supervision of works affecting trees. It is recommended that these are attached to any permission granted.
- 8.27 With regard to wildlife, a Protected Species Walkover Survey has now been submitted with the application. This found that there are no protected species with

the exception of bats within trees, which will be impacted by the development. There is also potential for nesting birds within the site. A Stage 2 Bat Survey has been undertaken as recommended within the Walkover Survey. It was found that there are two trees which have potential for bat roosting, one of which is to be removed to accommodate the development. It is a criminal offence to disturb a European Protected Species and a Works Affecting Bats Licence will require to be obtained from SNH prior to any works commencing. An application for licence will require to be accompanied by a detailed Species Protection Plan which secures a strategy to ensure bats are maintained at a favourable conservation status.

8.28 Three tests must be satisfied before the licensing authority can issue a licence under Regulation 44(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended). An application for a licence will fail unless all of the three tests are satisfied. In granting planning permission, the Planning Authority requires to be satisfied that all three tests necessary for the eventual grant of a licence are likely to be satisfied.

The three tests which need to be applied are identified in the bat report as follows:

- Test 1 - The licence application must demonstrably relate to one of the purposes specified in Regulation 44(2). In this case, the relevant purpose is likely to be for the purpose of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.” There is a significant need locally for this development in order to allow those with additional support needs to live independently and there are no other sites within such vicinity to the hospital and indeed a care home to which such a development could be accommodated in the town.
- Test 2 - Regulation 44(3)(a) states that a licence may not be granted unless the Scottish Government is satisfied “that there is no satisfactory alternative”. As it is considered that the development meets with the requirements of Test 1 in accepting this it is also accepted that an existing roosting site will be lost, however, mitigation should provide further opportunities. This is likely to be additional bat boxes within the mature trees on site which will provide additional roosting opportunities for the wider bat population in vicinity of the site. The alternative to not undertaking the development and obtaining a bat licence would be that a much-needed facility considered to be of overriding public interest could not be developed, mitigation measures will require to be put in place in order to maintain the population which currently reside at the site as outlined in Test 3 below.
- Test 3 - Regulation 44(3)(b) states that the Scottish Government cannot issue a licence unless it is satisfied that the action proposed “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range” no mitigation has been provided at present, however, a Species Protection Plan will be secured by condition, a licence will thereafter require to be applied for to SNH. It is likely that this will require the alternative roosting opportunities and rehoming of any bats prior to any works commencing. It would be against the law to affect bats in anyway

without first having obtained and met with the conditions of the bat licence. The Species Protection Plan should demonstrate that the new roosting opportunities will retain, and potentially enhance the bat population.

- 8.29 It is also noted that there may be nesting birds within the site if works are undertaken within the Bird Breeding Season (March – August inclusive). A bird breeding survey is recommended prior to works starting to determine whether they can proceed or whether mitigation options are available; an informative is recommended to remind the developer of their obligations in the event that nesting birds are found on site.
- 8.30 It is acknowledged that the site will be cleared for development. However it should be noted that the development will be largely constructed off site, therefore impacts will not be significantly prolonged. The landscaping and arboricultural assessment will result in additional trees and habitat on site, and also an open garden amenity area, which can be utilised by existing residents of the care home, which would not currently be the case. Therefore, the wildlife can be further enjoyed by residents once the development beds in and would be an improvement to the current unmaintained and overgrown site.

Developer Contributions

- 8.31 The applicant has agreed to pay an upfront contribution of £10,220 (£1,022 per unit) to the expansion of Nairn Leisure Centre. In the event that permission is granted this balance shall be cleared prior to a decision being issued.

Other material considerations

- 8.32 There are no other material considerations

Non-material considerations

- 8.33 Legal action should not be taken against the sawmill in the event that permission is granted.

Matters to be secured by Section 75 Agreement

- 8.34 None

9. CONCLUSION

- 9.1 On the basis that the development remains the same as was previously submitted, albeit further clarity has been provided, a recommendation to grant permission is again proffered. It is considered that the barrier can be adequately landscaped and that the tree planting proposed along its front within the proposed development site would be, over time, higher than the barrier itself which should naturalise the impact the feature would have.
- 9.2 This is a development that is designed to address a particular need within the community; to provide assisted care which can replace the requirement for prolonged hospital care. The location of the proposal, within the grounds of an existing care home and adjacent to the County Hospital is appropriate. Furthermore, the development is appropriately designed and sensitively sited so as to be compatible

with its surroundings, ensuring protection of the existing mature trees on the site. There are no adverse effects on existing infrastructure and/or individual or community residential amenity.

- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued	Y	Developer Contribution due
Notification to Scottish Ministers	N	
Conclusion of Section 75 Obligation	N	
Revocation of previous permission	N	

Subject to the above, it is recommended that planning permission be **GRANTED** subject to the following:

Conditions and Reasons

1. Prior to first occupation of the residential properties hereby approved the applicant shall have installed a suitably constructed 5 metre high acoustic barrier along the western boundary of the site shared with John Gordon and Son Sawmill as per the location shown on the approved drawing no. 4441-02-100 and as per the specification detailed within the approved Acoustic Fence Details, drawing no. 4441-01-050.

Reason: In order to ensure that the barrier is installed timeously in advance of residents occupying the development, in the interest of residential amenity.

2. With effect from the date of this permission, no trees other than those specifically agreed are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

Reason: To ensure the protection of retained trees during construction and thereafter.

3. Prior to any site excavation or groundworks, all retained trees are to be protected against construction damage using protective barriers located as per the Tree Protection Plan and Arboricultural Method Statement, and in accordance with BS5837:2012 (Trees in Relation to Design, Demolition & Construction). Barriers shall remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

Reason: To ensure the protection of retained trees throughout the construction period.

4. A suitably qualified Arboricultural consultant shall be employed by the applicant to ensure that the Approved Tree Protection Plans and Arboricultural Method Statement (AMS) are implemented to the agreed standard. Stages requiring supervision are set out in the AMS for the written agreement of the Planning Authority and certificates of compliance for each stage are to be submitted for approval.

Reason: To ensure the protection of retained trees throughout the construction period.

5. No development shall commence until a revised detailed Landscape Plan and maintenance programme has been submitted to and approved by the Planning Authority. The revised Landscape Plan shall include the planting of at least 50 heavy standard sized trees and shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure that there is sufficient tree planting the interests of amenity.

6. A suitably qualified landscape consultant shall be employed at the applicants' expense to ensure that the Landscape Plan is implemented to the agreed standard. Stages requiring supervision are to be agreed with the Planning Authority and certificates of compliance for each stage are to be submitted for approval.

Reason: To ensure that the tree planting is undertaken in accordance with the approved details in the interest of visual amenity.

7. No development shall commence until a Species Protection Plan has been submitted to, and approved in writing by, the Planning Authority, in consultation with SNH. For the avoidance of doubt this shall provide details and measures to protect and mitigate habitat and species including bats and nesting birds within and adjoining the application site. Thereafter the development shall be undertaken in accordance with the approved Species Protection Plan.

Reason: As bats and birds are European Protected Species and the Species Protection Plan is required to ensure that natural habitats conservation interests in the area are maintained and enhanced.

8. No development shall commence until details of all external paint/stain finishes (including manufacturer product codes) have been submitted to, and approved in writing by the Planning Authority. Thereafter, development shall progress in accordance with these details.

Reason: In the interest of visual amenity and to ensure that the development remains in keeping with its surroundings.

REASON FOR DECISION

On the basis that the development is the same as that previously submitted and recommended that it be granted planning permission, the recommended remains that. It is considered that the barrier can be adequately landscaped and that the tree planting proposed along the front of the barrier would be, over time, higher than the barrier itself which should naturalise the impact the feature would have.

This is a development that is designed to address a particular need within the community; to provide assisted care which can replace the requirement for prolonged hospital care. The location of the proposal, within the grounds of an existing care home and adjacent to the County Hospital is acceptable. Furthermore, the development is appropriately designed and sensitively sited so as to be compatible with its surroundings, ensuring protection of the existing mature trees on the site. There are no adverse effects on existing infrastructure and/or individual or community residential amenity.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as

Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

It is noted that there is Scottish Water infrastructure within the boundary of the site and the development therefore has the potential to impact on private water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact the Asset Impact Team directly at service.relocation@scottishwater.co.uk the applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does

not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Protected Species - Tree Felling

Any mature trees within the application site which are to be felled, lopped or topped must be surveyed for bats prior to the works being carried out. If a bat roost is identified work must stop and further advice sought from SNH's area office. It is an offence to interfere with bats and/or their roosts without a license and strict penalties will be applied through the courts where a license has not been obtained.

Protected Species - Nesting Birds

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for nesting birds and ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (March - August inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see: www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp

Designation:	Area Planning Manager – South
Author:	Laura Stewart
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - 4441-02-LOC REV A – Location Plan Plan 2 - 4441-02-100 REV D – Site Layout Plan Plan 3 - SL-01 Rev A – Landscape Plan Plan 4 - 4441-01-100 Rev A – Type 1 Floor/Elevation Plan Plan 5 - 4441-01-102 – Type 3 Floor/Elevation Plan Plan 6 - 4441-01-050 – General Plan- Acoustic Fence Details Plan 7 - 4441-01-003 B – Visual Information

Agenda Item	6.1
Report No	PLS/078/19

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 17 September 2019
Report Title: 18/05908/FUL: Albyn Housing Society Ltd
Land 50M North of The Hermitage
St Olaf Manor, Cawdor Road, Nairn
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of ten dwellings with associated garden and parking areas
Ward: 18 - Nairn and Cawdor
Development category: Local Development

Reason referred to Committee: More than 5 objections and objection from a statutory consultee (Community Council)

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks permission for the erection of 10 single bedroom 'FIT' homes which are intended to provide accommodation designed to cater for tenants who have various medical needs and allow them to be supported while maintaining some independence. These houses are the new model for assisted care which in certain cases is replacing the requirement for prolonged hospital care. They will be designed for accessibility and flexibility of space to enable people to live "well" and to remain at home, as their health changes. The development is being progressed under the City Region Deal and comprises a joint project between Albyn, the NHS and The Highland Council. The development comprises single storey semi-detached units of a modular construction to be built off site. The units are positioned in a U shape layout which accommodates a central court yard area.
- 1.2 The site is to utilise the existing access which serves St Olaf's nursing home. Foul surface water drainage connections are available to the site.
- 1.3 Pre Application advice was sought which was largely supportive of the principle of development subject to the resolution of a number of issues around amenity.
- 1.4 Supporting Information:
 - 3D Models
 - Arboricultural Impact Assessment
 - Arboricultural Method Statement
 - Design Statement
 - Drainage Impact Assessment
 - Tree Constraints Data
- 1.5 Variations:
 - Amended Site Plan showing reconfigured site layout and increased red line boundary
 - Amended Elevational drawings
 - Updated Tree Information
 - Submission of Noise Assessment

2. SITE DESCRIPTION

- 2.1 The site is located to the north of St Olaf Manor and Hermitage House within the grounds associated with the existing care home. The site is relatively level and overgrown with a number of self seeded and mature trees within the site providing a boundary between Nairn County Hospital which is located to the north and the sawmill which is located to the west of the site. Access will be taken from the existing access to the care home which is located to the western side of Cawdor Road. The area of land to the east of the site currently has an extant permission

for the erection of flatted accommodation, this area is grass covered.

3. PLANNING HISTORY

3.1	15.10.2007	07/00048/OUTNA - Development of 4 care home units and 21 flats	Permission Refused
3.2	14.09.2009	08/00100/OUTNA - Development of 4 care home units (22 beds) and 17 flats	Permission Refused
3.3	20.10.2011	10/01660/PIP - Proposed Two Storey Care Home (22 beds) with associated flatted accommodation (12 units)	Permission Granted
3.4	06.10.2016	14/03721/FUL - Erection of 12 flats including alterations to existing access road	Permission Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: Nairnshire Telegraph 22.01.2019 and 21.06.2019

Representation deadline: 02.07.2019

Timeous representations: 8

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Giant sequoia, Wellingtonia and Sycamore on site could be impacted this – Scottish Govt Control of Woodland Policy and SNH offer protection to trees with high nature conservation/landscape value
- b) Loss of other semi mature yew trees
- c) Loss of visual amenity from trees and subsequent loss of wildlife and ecological value
- d) Issues over amenity to residents from noise from the sawmill
- e) Concern over existing amenity in terms of overlooking and privacy of current residents
- f) Consider that the development is not compliant with Policies 28, 29 and 34 as there will be impacts on amenity – site is therefore not compatible with surrounding land uses
- g) Concern raised over increased traffic flow where there are vulnerable residents

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 Nairn River Community Council object to the proposal due to the removal of the Giant Sequoia and Sycamore (graded as BS Category A)

- Comment that they lean toward supporting the application but cannot do so if it means the Giant Sequoia is to be removed where a small re-design of the layout would avoid the need for this to be removed.
- Consider that the site is in danger of over-development as this is forcing the removal of the long-established trees.

5.2 Environmental Health confirms that it would remove its objection subject to conditions being added. Comments cover the information submitted by the applicant and the mitigation that is proposed in order to mitigate noise from the adjacent sawmill. It is concluded that while the mitigation is welcomed concern is still raised over the potential noise impact from the sawmill. This is due to the uncertainties around the submitted Noise Impact Assessment (NIA) noise barrier predictions. For example the NIA doesn't cover noise sources from immediately behind the barrier such as clattering noises, vehicles reversing alarms and banging noises. The following conditions are recommended in the event that permission is granted:

1. *The external daytime noise level (07:00 -19:00hours) within the amenity area of the residential properties within the proposed development must not exceed an external limit of $L_{Aeq(1hour)}$ 45dB when measured 3.5meters from the nearest façade.*
2. *The external night-time noise level (23:00 -07:00) within the gardens of any residential property within the proposed development must not exceed an external limit of $L_{Aeq(15min)}$ 35dB when measured 3.5meters from the nearest façade.*
3. *The internal night time level (23:00-07:00) with any bedroom of any residential property within the proposed development must not exceed an internal level of $L_{Aeq(15min)}$ 25dB with windows open for ventilation purposes*
4. *Prior to the residential properties within the proposed development being occupied, the applicant shall implement the scheme of noise mitigation identified as part of their Noise Impact Assessment as outlined below:*
 - *3m acoustic fence to the boundary with the sawmill (shown dotted red on site plan – Ref: DWG No 4441-02-100 Rev C)*
 - *3m acoustic fence along the north boundary with the hospital to address reflected noise from the hospital building (shown dotted red on site plan – Ref: DWG No 4441-02-100 Rev C)*
 - *Additional sections of fencing or walling between the buildings at the sawmill side of the development to provide an additional sound barrier to the open space (shown dotted red on site plan – Ref: DWG No 4441-02-100 Rev C)*

5. *Prior to the residential properties within the proposed development being occupied, a noise monitoring survey and assessment shall be undertaken by the applicant to verify compliance with the noise levels specified in Conditions 1-3. The noise monitoring shall be done in accordance with BS7445:2003 - Description and measurement of environmental noise. Where the noise assessment identifies that the noise levels do not comply with condition 1-3 above, a scheme of additional noise mitigation requires to be implemented by the applicant to ensure the noise levels are achieved. The applicant shall repeat the noise assessment process until Conditions 1-3 are shown to be met. Any additional noise mitigation measures require to be implemented prior to the residential properties being occupied, or in a timescale otherwise agreed in writing with the Planning Authority.*

The results of all the noise monitoring surveys and noise assessments shall be submitted to and approved by the Planning Authority prior to any of the residential properties within the development being occupied.

5.3 **Flood Risk Management Team** has no objection subject to conditions. The FRM team consider that ground conditions are suitable for soakaways and therefore the drainage strategy is accepted. The final design of this should however be submitted for review (condition) and that details should be submitted on the name and address of party responsible for maintenance of the surface water drainage network (condition).

5.4 **Forestry Officer** does not object to the proposals following the submission of additional information around landscaping and trees including requiring the retention of the Giant Sequoia (Wellingtonia). A number of conditions are recommended to secure the necessary mitigation to retain as many trees as possible and secure compensator planting for those to be felled.

5.5 **Housing Team** confirms that it supports the proposals as they are for affordable housing.

5.6 **Transport Planning Team** has no objections. It comments that the access to the site is from an existing junction and that fifteen car parking spaces have been provided which meets with Council guidelines. Request a Construction Traffic Management Plan is secured by condition which takes into account the low bridge on Cawdor Road.

5.7 **Scottish Water** has no objections confirming that there is sufficient capacity in Inverness Water Treatment Works and Nairn Waste Water Treatment Works but that capacity cannot be reserved and connections will require direct application to Scottish Water.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design

29 - Design Quality & Place-making
31 - Developer Contributions
34 - Settlement Development Areas
51 - Trees and Development
56 - Travel
58 - Protected Species
65 - Waste Water Treatment
66 - Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan (2015):

Located within Nairn Settlement Development Area

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)
Developer Contributions (Nov 2018)
Flood Risk & Drainage Impact Assessment (Jan 2013)
Sustainable Design Guide (Jan 2013)
Trees, Woodlands and Development (Jan 2013)

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014)

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) siting, design
- c) residential amenity
- d) access and servicing
- e) trees and landscaping
- f) developer contributions
- g) any other material considerations.

Development plan/other planning policy

- 8.4 The site lies within Nairn Settlement Development Area. The development of this site is largely in keeping with surrounding land uses such as care home and hospital. Policy 34 – Settlement Development Areas of the HwLDP applies a supportive approach to development in such areas where all other policies of the development plan are complied with. Policies relevant in assessing the proposal include Policy 28 – Sustainable Design which lists a number of criteria against which all developments are assessed. Of particular relevance to this proposal is the impact upon individual and community residential amenity; and, demonstration of sensitive siting and high quality design which is in keeping with local character and historic and natural environment and in making use of appropriate materials. It is also stated that development should accommodate the needs of all sectors of the community, including people with disabilities or other special needs and disadvantaged groups and any developments contribution to the social development of a community is also considered.
- 8.5 As there are trees within and adjacent to the site, consideration has to be given to Policy 51 – Trees and Development. This outlines that the Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. There should be adequate separation distances between trees and development, where trees are removed the council will secure compensatory planting.
- 8.6 Subject to the proposal demonstrating sensitive siting and high quality design which is in keeping with local character and historic and natural environment, has no adverse impact on existing infrastructure, with no significant impact upon individual and community residential amenity, then it would comply with the development plan.

Siting and Design

- 8.7 With regard to design, the layout has been amended in order to ensure that the Giant Sequoia tree is not impacted by the development. This includes the footprint of the buildings and associated infrastructure avoiding the root protection area of the tree as informed by the Landscaping Plans and Arboricultural Method Statements which have been agreed with the Forestry Officer. In order to ensure the retention of the tree it was necessary to have one block of cottage flats which reduces the footprint of the scheme. The single storey units are relatively modest and simple in design with a mix of render and Cedral cladding across the elevations, the roof is to be finished in dark profile sheeting. Further detail on external materials can be secured by condition.
- 8.8 The units also have recessed porch areas providing a covered area to the front of each unit. The two storey units largely replicate this design. The design is considered appropriate and there will be no direct overlooking which would significantly impact on the amenity of existing care home residents.

Residential Amenity

- 8.9 The key issue for this development with regard to amenity is the potential noise impacts from the neighbouring sawmill. A Noise Impact Assessment was submitted in support of the application. This was reviewed by Environmental Health and the initial consultation response was an objection due to external noise levels and the potential impact on the amenity of future residents.
- 8.10 The applicant has submitted further Noise Impact Assessments that provide additional mitigation measures such as increasing the height of acoustic barriers at the site boundary and providing barriers between the units on the western side of the site. On the basis of this, Environmental Health is willing to remove its objection subject to the five planning conditions detailed in paragraph 5.2.
- 8.11 The conditions seek to secure further noise assessments prior to first occupation of the development. In practice this would mean the development being built before the noise assessments are undertaken. If the noise experienced 3.5m away from any of the units exceeds 45dB between 07.00 – 19.00 then further mitigation will require to be installed until such time as the desired 45dB limit is met. The applicants were asked whether they would be agreeable to the conditions being attached but are of the view that the conditions introduce uncertainty and risk to the project. For example; if the sawmill changed its operations and noise increased within the site it would be likely that the implementation of further mitigation would be for the applicant, and not the sawmill, to provide.
- 8.12 At present, the site, while overgrown and not in use as a garden area, is an external area associated with the nursing home. There is nothing to preclude this being used as a garden area/external area associated with a similar use on the site at the moment. Further to this, the site to the east of the application site has planning permission for residential development, which is currently live, and not subject to any noise related conditions. In addition, the previous approval on the site did not require to mitigate against noise from the sawmill. The applicant also submits that they have control over the site and manage who will be within the units. If there is an issue from a particular client over noise the housing authority can intervene. Admittedly this would not be relevant if the units were ever sold off and not kept within the control of the applicant.
- 8.13 Given the context there is a concern that the proposed conditions are unreasonable and would place an unacceptable burden on the developer to meet a noise level which may well be outwith their control to achieve. The developer may require to implement additional mitigation to occupy the development; mitigation which is unknown at this time, could have implication in terms of design and visual amenity and also impact on trees and tree roots.
- 8.14 Cognisance must also be given to the existing legal use of the site which is amenity ground associated with a care home and could therefore already be utilised by vulnerable users, subject to being cleared for that meaningful purpose. What is proposed as part of this development improves the situation for other current and future users and residents of the site.

Access and Servicing

- 8.15 The existing access from Cawdor Road into the care home is to be utilised, with a private car parking area being accommodated to the front of the development which is consistent with car parking for the nursing home. It also allows a degree of separation from the nursing home to the proposed units. The Transport Planning Team confirm no objections and state that the fifteen spaces proposed is adequate and in line with Roads Guidelines. It is noted that other services will connect to the public network which is supported. There are no issues in this regard.

Trees

- 8.16 There are a number of trees on site that have the potential to be impacted by the development, particularly one Wellingtonia Tree. This was reflected in objections made by the Community Council and other third parties which consider the tree an important asset. In order to ensure it's retention a number of arboricultural assessments have been submitted in consultation with the Forestry Officer. Compensatory Planting has to be provided within and adjacent to the site in order to make up for any tree loss. The Forestry Officer recommends conditions to secure appropriate mitigation, re-planting and supervision of works affecting trees. It is recommended that these are attached to any permission granted.

Developer Contributions

- 8.17 The applicant has agreed to pay a contribution of £10,220 (£1,022 per unit) to the expansion of Nairn Leisure Centre upfront. In the event that permission is granted this balance shall be cleared prior to a decision being issued.

Other material considerations

- 8.18 There are no other material considerations.

Non-material considerations

- 8.19 There are no non-material planning considerations.

Matters to be secured by Section 75 Agreement

- 8.20 None

9. CONCLUSION

- 9.1 This is a development that is designed to address a particular need within the community; to provide assisted care which can replace the requirement for prolonged hospital care. The location of the proposal, within the grounds of an existing care home and adjacent to the County Hospital is appropriate. Furthermore the development is appropriately designed and sensitively sited so as to be compatible with its surroundings, ensuring protection of the existing mature trees on the site. There are no adverse effects on existing infrastructure and/or individual or community residential amenity.

- 9.2 Environmental Health has a significant concern which cannot be overcome with regard to external noise levels principally connected to noise experienced from the adjacent sawmill and the impact which this could have on the amenity of residents when using the courtyard area. The applicant has attempted to put in place further mitigation to address this but cannot agree to achieving an absolute level of 45dB. Constructing the development to then discover that it cannot be achieved, or only achieved through a requirement for mitigation on land outwith their control, places too much uncertainty and risk to the project.
- 9.3 A similar scheme has previously been granted on site and an adjacent site has a live permission; neither of which have any noise related conditions. Furthermore the current legal use of the land is an external amenity area associated with an existing care home, the residents of which may well experience the same level of impact. While the requirement for an absolute external noise limit is well placed, in order to protect the continued operation of the sawmill and the amenity of residents, Members need to be aware that the imposition of conditions, as recommended by Environmental Health, is likely to be challenged on the basis of their reasonableness given this context and the potential future risk to the development.
- 9.4 There is a demand for this type of development within the area. It is accepted that there is also a need to ensure that the continued operation of the sawmill is not unnecessarily compromised. Additional mitigation, beyond that originally proposed, has been secured to minimise external noise levels as far as practically possible. Given the existing use of this site it is not considered that this development will unreasonably impact on the sawmill. Requiring an absolute limit on external noise, within a site that is currently in use as amenity ground, could be considered unreasonable in this context. With this in mind, it is not recommended that the conditions requested by Environmental Health are added and that permission be granted contrary to its advice which is not to support the development.
- 9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued	Y	Developer Contribution due
Notification to Scottish Ministers	N	
Conclusion of Section 75 Obligation	N	
Revocation of previous permission	N	

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

- No development shall commence until full details of all foul and surface water drainage infrastructure (including treatment plant and soakaway locations) have been submitted, to, and approved in writing by, the Planning Authority. For the avoidance of doubt all surface water drainage provision with the application site shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time. Detail should include confirmation of the name and address of the party responsible for the operation and maintenance of the surface water drainage network. Thereafter, development shall progress in accordance with the approved details.

Reason: In order to allow further consideration to site specific detail and in order to ensure that water and sewerage infrastructure is carefully managed and provided timeously in the interest of public health and environmental protection.
- No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.
- With effect from the date of this permission, no trees other than those specifically agreed are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the planning authority.

Reason: To ensure the protection of retained trees during construction and thereafter.
- Prior to any site excavation or groundworks, all retained trees are to be protected against construction damage using protective barriers located as per the Tree Protection Plan and Arboricultural Method Statement, and in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

Reason: To ensure the protection of retained trees throughout the construction period.

5. A suitably qualified Arboricultural consultant must be employed by the applicant to ensure that the approved Tree Protection Plans and Arboricultural Method Statement (AMS) are implemented to the agreed standard. Stages requiring supervision are set out in the AMS for the written agreement of the planning authority and certificates of compliance for each stage are to be submitted for approval.

Reason: To ensure the protection of retained trees throughout the construction period.

6. No development shall commence until a robust and detailed Landscape Plan and maintenance programme has been submitted to and approved by the Planning Authority. Thereafter, approved Landscape Plan shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the planning authority.

Reason: In the interest of residential and visual amenity and in order to ensure that an agreed level of compensatory planting is secured in and around the site.

7. A suitably qualified landscape consultant must be employed at the applicant's expense to ensure that the Landscape Plan is implemented to the agreed standard. Stages requiring supervision are to be agreed with the planning authority and certificates of compliance for each stage are to be submitted for approval.

Reason: To ensure that the mitigation measures identified within any approved arboricultural statement and tree protection plans are being complied with in the interest of amenity and to ensure the agreed retention of trees on site.

8. No development shall commence until a scheme for the storage of refuse and recycling within the application site has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development and thereafter maintained in perpetuity.

Reason: To ensure that suitable provision is made for the storage of communal waste and recycling bins.

9. No development shall commence on site until the developer shall have submitted a Construction Traffic Management Plan for the approval in writing of the Planning Authority. For the avoidance of doubt, the Plan shall include details relating to the low rail bridge on Cawdor Road.

Reason: As no details have been provided and in order to manage and mitigate the impacts of construction traffic on the local road network in the area.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

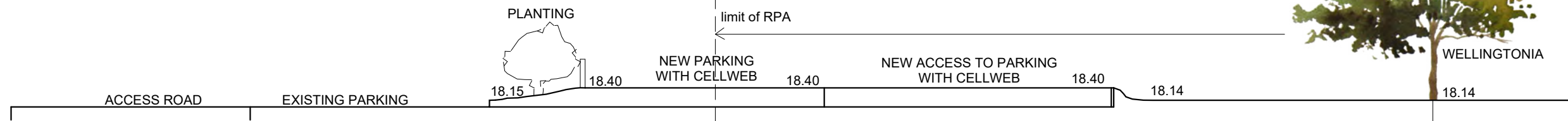
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

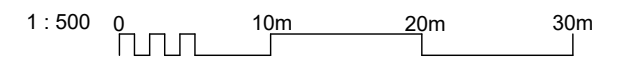
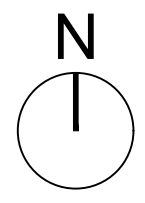
You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Laura Stewart
Background Papers: Documents referred to in report and in case file.
Relevant Plan: Plan 1 - 4441-02-100 Rev C – Site Layout Plan
Plan 2 - 102.18 SL-01 REV F – Landscape Plan
Plan 3 - 4441-01-102 – Floor/Elevation Plan
Plan 4 - 104601-TPP – Tree Protection Plan
Plan 5 - 4441-01-101 – Floor/Elevation Plan
Plan 6 - 4441-01-002 Rev A – 3D Model



SECTION AT WELLINGTONIA

SCALE 1:100



REV	DATE	DESCRIPTION	DRN
C	22.08.19	Section added to show ground make up for Cellweb in RPA.	AMacR
B	25.07.19	Parking area slightly amended to reduce intrusion into RPA.	AMacR
A	31.05.19	Revised to retain trees and incorporate cottage flatted block.	AMacR

Bracewell Stirling CONSULTING

38 WALKER TERRACE, TILlicOLTRY, FK13 6EF 01259 750301
 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760
 15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

NEW HOUSING & FIT HOMES AT CAWDOR ROAD, NAIRN
ALBYN HOUSING SOCIETY LTD

SITE LAYOUT

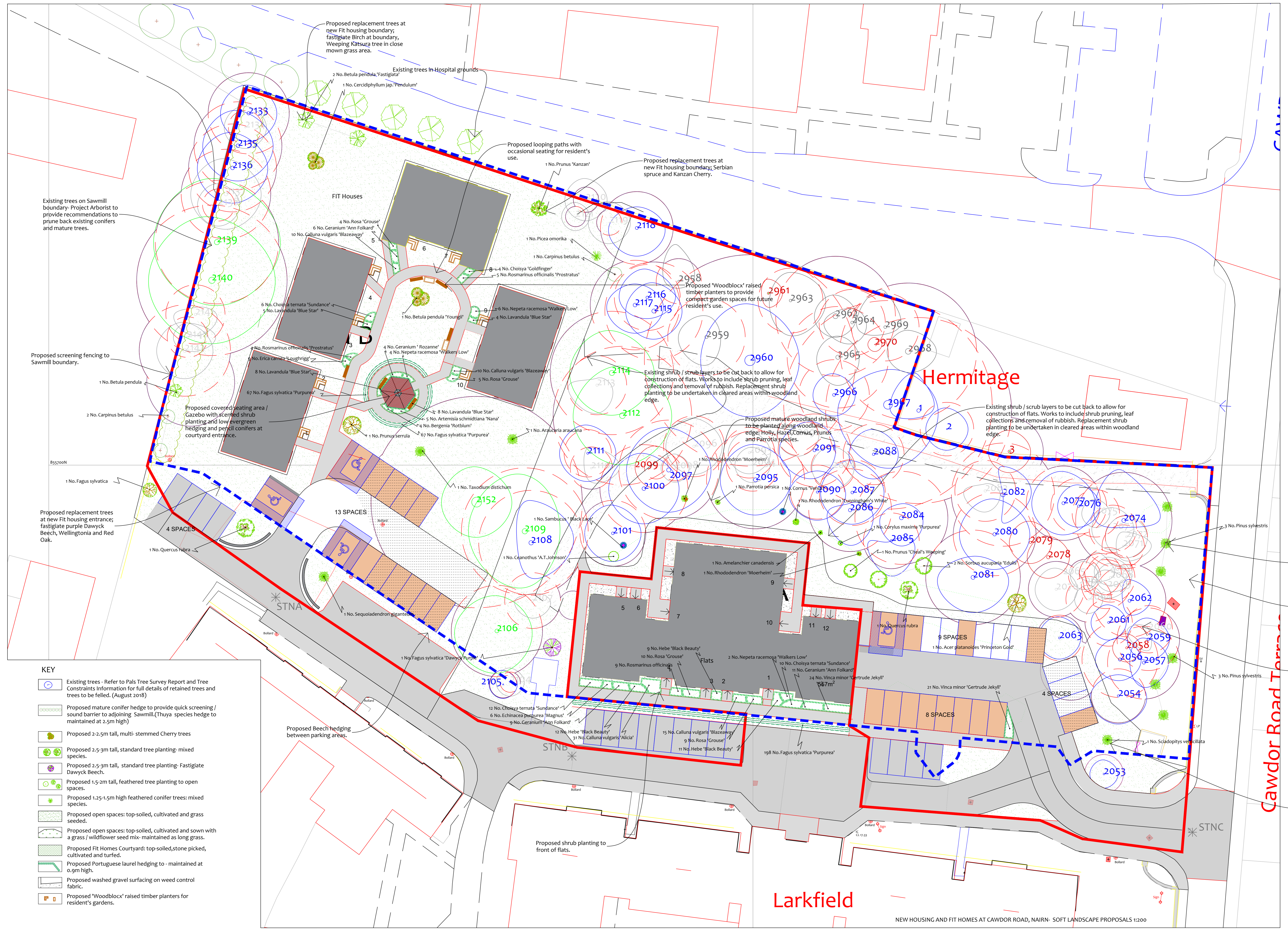
STATUS:	INFORMATION		
SCALE:	1:500	DRAWN:	DW
PAPER SIZE:	A3	DATE:	May 2019
DWG No.	4441-02-100	REV.	C

Species	Height	Girth	Pot Size	Specification	Density	Number
Fagus sylvatica 'Purpurea'	60-80cm		bareroot	1+2 Transplants 3 brks	1/m ²	132 No.
Betula pendula	2.0-2.5m		bareroot	Feather 2 brks 2x	Counted	No.
Carpinus betulus	200-250cm		bareroot	Feather 2 brks 2x	Counted	No.
Betula sylvatica	200-250cm		bareroot	Feather 2 brks 2x	Counted	No.
Sorbus aucuparia 'Edulis'	250-300cm	8-10cm	bareroot	Standard 3 brks 2x	Counted	No.
Acer platanoides 'Princeton Gold'	250-300cm	10cm	bareroot	Standard 3 brks 2x	Counted	No.
Quercus robur	250-300cm	10cm	bareroot	Standard 3 brks 2x	Counted	No.
Fagus sylvatica 'Davayk Purple'	250-300cm	10cm	bareroot	Standard 3 brks 2x	Counted	No.
Prunus 'Chapel's Weeping'	250-300cm	10cm	bareroot	Standard 3 brks 2x	Counted	No.
Betula pendula 'Fastigiata'	250-300cm	10cm	bareroot	Standard 3 brks 2x	Counted	No.
Cercidiphyllum japonicum	250-300cm	10cm	bareroot	Standard 3 brks 2x	Counted	No.
Prunus 'Kanzan'	250-300cm	10cm	bareroot	Standard 3 brks 2x	Counted	No.
Prunus 'Serrula'	250-300cm	10cm	bareroot	Standard 3 brks 2x	Counted	No.
Betula pendula 'Youngii'	250-300cm	10cm	bareroot	Standard 3 brks 2x	Counted	No.

Species	Height	Pot Size	Specification	Density	Number
Lavandula 'Blue Star'	20-30cm	2L	Bushy shrubs 15 brks	1/m ²	15 No.
Calluna vulgaris 'Blazeaway'	40-60cm	1L	Bushy shrubs 3 stems min	1/m ²	28 No.
Rosa 'Grouse'	40-60cm	1L	Bushy shrubs 3 stems min	1/m ²	28 No.
Chionodoxa 'Sunderland'	40-60cm	1L	Bushy shrubs 3/5 brks	1/m ²	28 No.
Rosmarinus officinalis 'Prostratus'	20-30cm	1L	Bushy shrubs 3/5 brks	1/m ²	4 No.
Chionodoxa 'Goldfinger'	40-60cm	1L	Bushy shrubs 3/5 brks	1/m ²	4 No.
Vincetoxicum 'Gertrude Jekyll'	15-20cm	1.5L	Several shrubs	1/m ²	45 No.
Hebe 'Black Beauty'	20-30cm	1L	Bushy shrubs	4/m ²	12 No.
Rosmarinus officinalis	20-30cm	1L	Bushy shrubs	4/m ²	12 No.
Calluna vulgaris 'Alicia'	15-20cm	1L	Bushy shrubs	6/m ²	31 No.
Parrotia persica	60-80cm	1L	Bushy shrubs	Counted	No.
Cornus maxima 'Moerhelm'	60-80cm	1L	Bushy shrubs	Counted	No.
Rhododendron 'Walker's Low'	40-60cm	1L	Bushy shrubs 5 brks	Counted	No.
Lavandula angustifolia	60-80cm	1L	Bushy shrubs 5 brks	Counted	No.
Sambucus 'Black Lace'	40-60cm	1L	Bushy shrubs	Counted	No.
Cornus 'Nana'	60-80cm	1L	Bushy shrubs	Counted	No.
Rhododendron 'Cunningham's White'	40-60cm	1L	Bushy shrubs 5 brks	Counted	No.
Lavandula 'A.T. Johnson'	60-80cm	1L	Bushy shrubs	Counted	No.
Crataegus 'Laughing'	15-20cm	1L	Bushy shrubs	Counted	No.

Species	Height	Pot Size	Specification	Density	Number
Berberis 'Bobium'	3L	Full Pot	Leaders and laterals	1/m ²	4 No.
Artemisia schmidtiana 'Nana'	3L	Full Pot	Leaders and laterals	1/m ²	4 No.
Nepeta racemosa 'Walkers Low'	3L	Full Pot	Leaders and laterals	1/m ²	10 No.
Geranium 'Rogaine'	3L	Full Pot	Leaders and laterals	1/m ²	4 No.
Geranium 'Ann Folkard'	3L	Full Pot	Bushy herbaceous	1/m ²	26 No.
Nepeta racemosa 'Walkers Low'	3L	Full Pot	Leaders and laterals	1/m ²	2 No.
Crataegus 'Laughing'	3L	Full Pot	Leaders and laterals	1/m ²	16 No.

Species	Height	Pot Size	Specification	Density	Number
Picea omorika	120-150cm	1.5L	Leaders and laterals	Counted	No.
Sequoiadendron giganteum	100-125cm	1.5L	Leaders and laterals	Counted	No.
Lavandula distichum	100-125cm	1.5L	Leaders and laterals	Counted	No.
Pinus sylvestris	100-125cm	1.5L	Leaders and laterals	Counted	No.
Salix caprea	80-100cm	1.5L	Leaders and laterals	Counted	No.
Araucaria araucana	100-125cm	1.5L	Leaders and laterals	Counted	No.



- KEY**
- Existing trees - Refer to Pals Tree Survey Report and Tree Constraints Information for full details of retained trees and trees to be felled. (August 2018)
 - Proposed mature conifer hedge to provide quick screening / sound barrier to adjoining Sawmill. (Thuya species hedge to be maintained at 2.5m high)
 - Proposed 2-2.5m tall, multi-stemmed Cherry trees
 - Proposed 2.5-3m tall, standard tree planting: mixed species.
 - Proposed 2.5-3m tall, standard tree planting: Fastigate Davayk Beech.
 - Proposed 1.5-2m tall, feathered tree planting to open spaces.
 - Proposed 1.25-1.5m high feathered conifer trees: mixed species.
 - Proposed open spaces: top-soiled, cultivated and grass seeded.
 - Proposed open spaces: top-soiled, cultivated and sown with a grass / wildflower seed mix - maintained as long grass.
 - Proposed Fit Homes Courtyard: top-soiled, stone picked, cultivated and turfed.
 - Proposed Portuguese laurel hedging to - maintained at 0.9m high.
 - Proposed washed gravel surfacing on weed control fabric.
 - Proposed 'Woodblock' raised timber planters for resident's gardens.

- REVISIONS**
- A: 18.11.18 Landscape proposals amended with plant details, specification and schedule. Landscape maintenance regime prepared. KW
 - B: 18.12.18 Landscape proposals revised to new site plan with revised access road and flat level. Updated tree survey information (Dec 2018) added to drawing and proposals updated to suit. Tree and shrub planting amended to suit. KW
 - C: 19.01.19 Landscape proposals updated to revised site plan and revised tree retention proposals. Tree, hedge and shrub planting adjusted to suit, as requested. KW
 - D: 19.05.19 Landscape proposals amended to show existing trees in Hospital grounds, and replacement Monkey Puzzle tree added, as requested. KW
 - E: 11.07.19 Landscape proposals adjusted to suit proposed site drainage plan. Boundary to be screened with fencing, conifer hedging omitted. Planting specification reduced to client's requirements, as requested. KW
 - F: 11.07.19 Hedging reinstated between flats and existing parking area, as requested. KW

KEITH L WOOD LANDSCAPE DESIGN

1 Old Brunzies Cottage, Balmora, By Torrance, Glasgow, G64 4HL
 Tel: 01750 620358 Mob: 07584 054586
 email: keithwood@btinternet.com
 www.keithwoodlandscapedesignscot

Project Title:	CAWDOR ROAD, NAIRN NEW HOUSING AND FIT HOMES
Client:	ALBION HOUSING SOCIETY
Drawing Title:	SOFT LANDSCAPE PROPOSALS
PLANNING	
Scale:	1:200 @ A0
Drawn:	k wood
Approved:	
Date:	23.11.18
Rev:	F



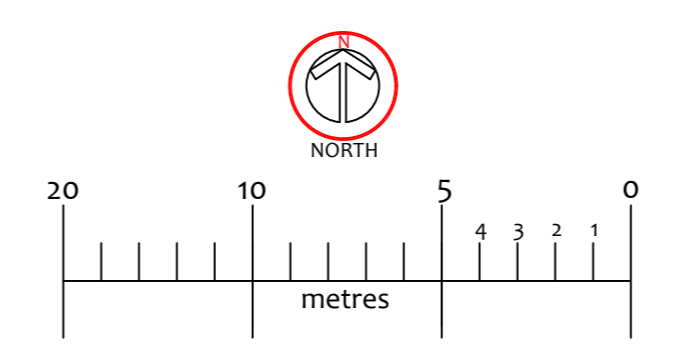
Example of covered Gazebo for Fit Homes Courtyard - Tuin Ltd. www.tuin.co.uk



Examples of 'Woodblock' raised timber planters for Fit Homes Gardens. www.woodblock.co.uk



Bench seating examples- recycled plastic- Furnitubes 'Aberdeen' or Goplastics 'Bonn'



LANDSCAPE NOTES

All areas to be soft landscaped to be litter picked and all site debris / stones etc to be removed from site. All subsoil areas to be thoroughly de-compacted to ensure that they are free draining. Landscape Consultant to inspect subsoil areas prior to placing of topsoil.

Shrub planted areas to be formed with 50mm depth of premium quality topsoil laid on clean de-compacted subsoil layer incorporating GREEN TREE PAK 100 soil improver/composted green waste at a rate of 35mm depth across topsoiled areas for shrub planting. On completion of shrub bed planting areas to be bark mulched with 50mm deep layer of composted bark mulching.

Hedge planting to be formed from 600x 450mm deep topsoiled trench, on clean de-compacted subsoil layer. Hedging trench to be backfilled with premium quality topsoil mixed with GREEN TREE PAK 100 soil improver (35mm deep layer spread over trench and worked into soil during planting.) On completion of hedging planting areas to be bark mulched with a 50mm depth of composted bark mulching.

Selected standard tree planting pits to be formed to 900x900x450mm deep pits with base broken up for a further depth of 150mm and backfilled with premium quality topsoil, mixed with GREEN TREE PAK 100 soil improver (50mm deep layer spread over tree pit and worked into backfill). Where pits are found not to be free draining confirm from client prior to free draining and drainage pipework joining tree pits and leading to soakaway.

Selected standard trees to be staked with double 50mm diameter machine rounded stakes with Holdfast HSS40 spacer sleeves and HR40 Holdfast tree belting. Belting to be twice nailed to stake (50mm below top of stake).

Feathered and light standard trees to be staked with a single 50mm diameter machine rounded stake, 500mm high secured with Holdfast HB 2 rubber blocks and HR40 Heavy duty rubber belting. Block secured with galvanneal nail to top of stake (Tree pits 600 x 600 x 450mm deep, with base broken up for a further 150mm and backfilled with premium quality topsoil, mixed with GREEN TREE PAK 100 soil improver (50mm deep layer spread over tree pit and worked into tree pit.)

Close mown grass areas to be formed with 150mm deep premium quality topsoil laid on clean de-compacted subsoil layer. Grassed areas to be seeded using a Blec two pass technique using the following seed mix sown at 50g/m².

RM Welsh + Sons Ltd, 76 Shaded Areas and Under Trees mix.

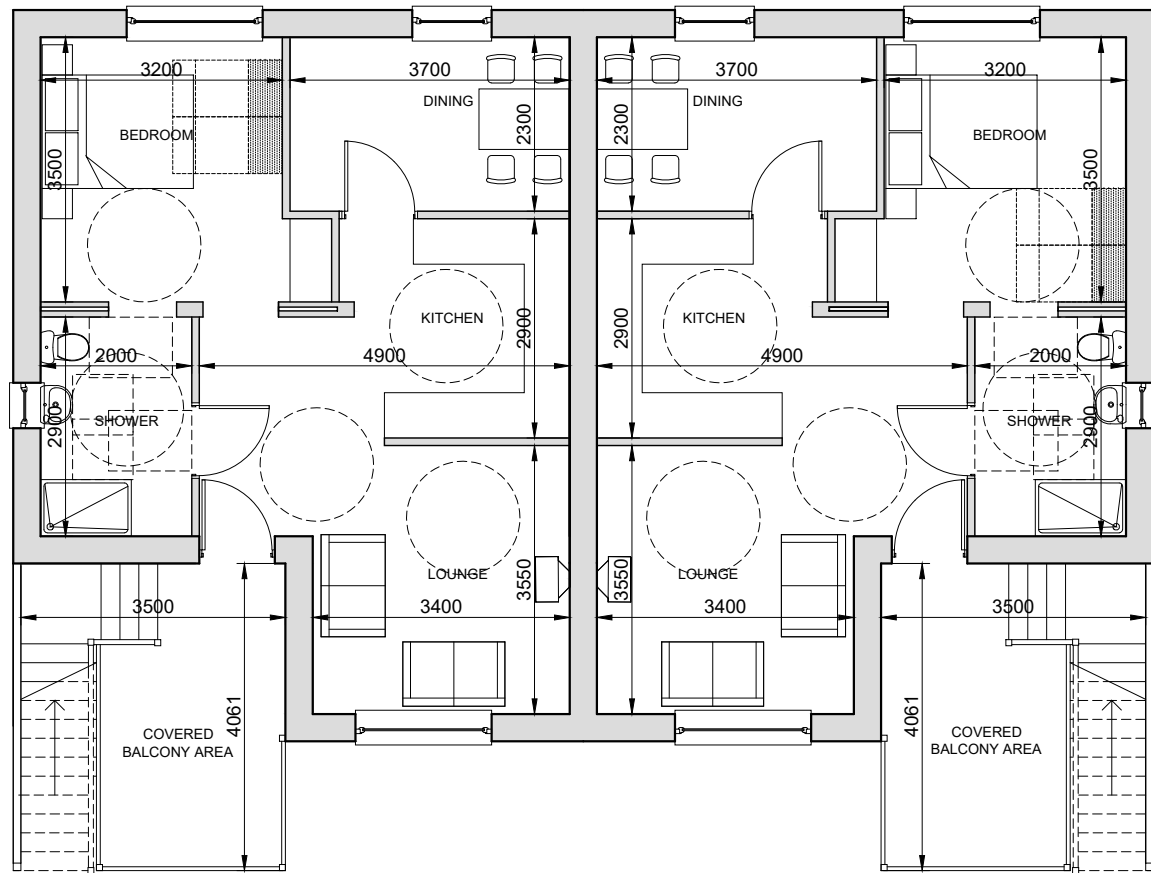
Proposed turfed courtyard area to be formed with 150mm deep premium quality topsoil laid on a clean, de-compacted subsoil layer. Areas to be cultivated and Rolawn 'Medallion' or equivalent grade turf laid.

Hedging plants to be protected with Boddingtons Acorn or equivalent 38mm x 45cm clear spiral guards with low bamboo canes.

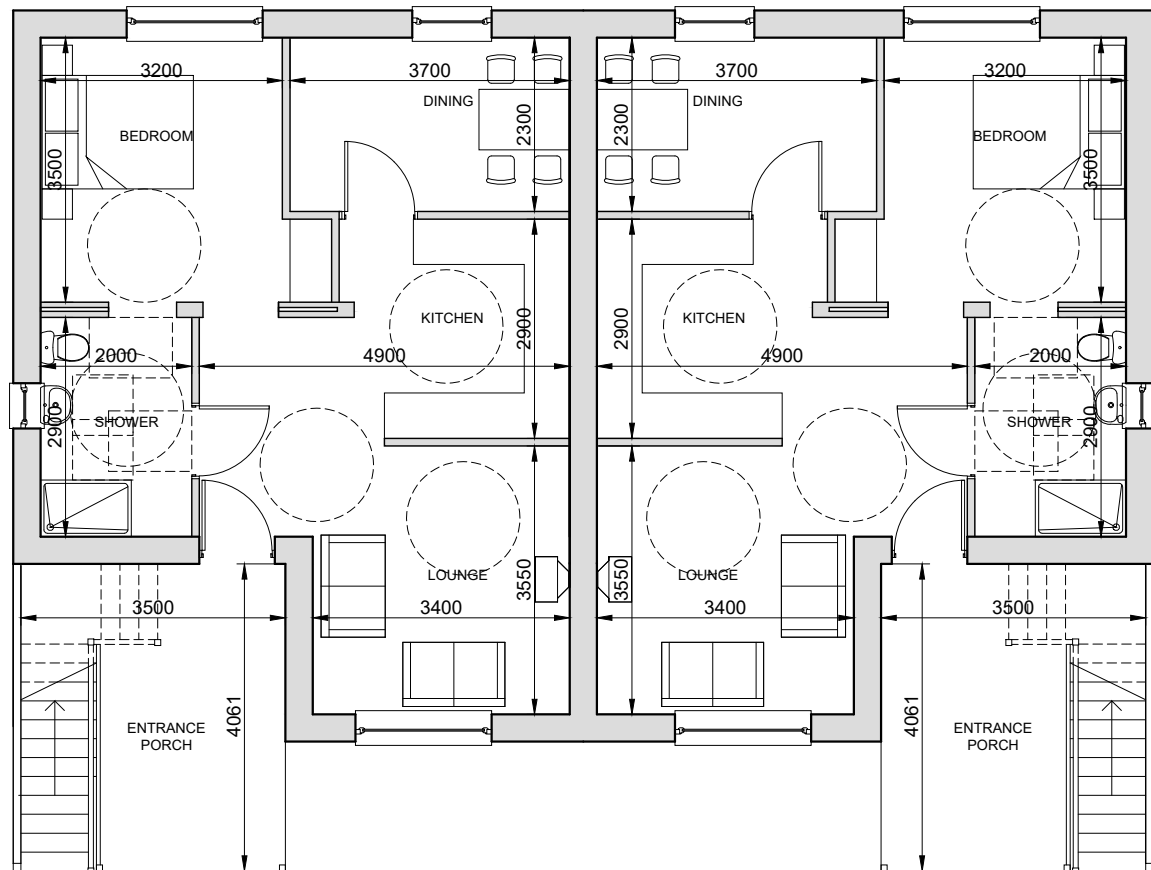
Any failures in planting within the first 5 years after planting to be replaced with plants of similar species / size (in the next following planting season). Refer to Landscape Maintenance schedule for details of proposed maintenance regime for the first five years after planting.

TOPSOIL - It is intended to salvage and retain the existing soil in temporary soil heaps and then re-use for the future house gardens and open spaces. Where additional topsoil is required, the supplied topsoil will require to comply with BS3882:2015.

GREEN TREE PAK 100 soil improver as supplied by Green Tree 01432 330000 - or equal and approved.



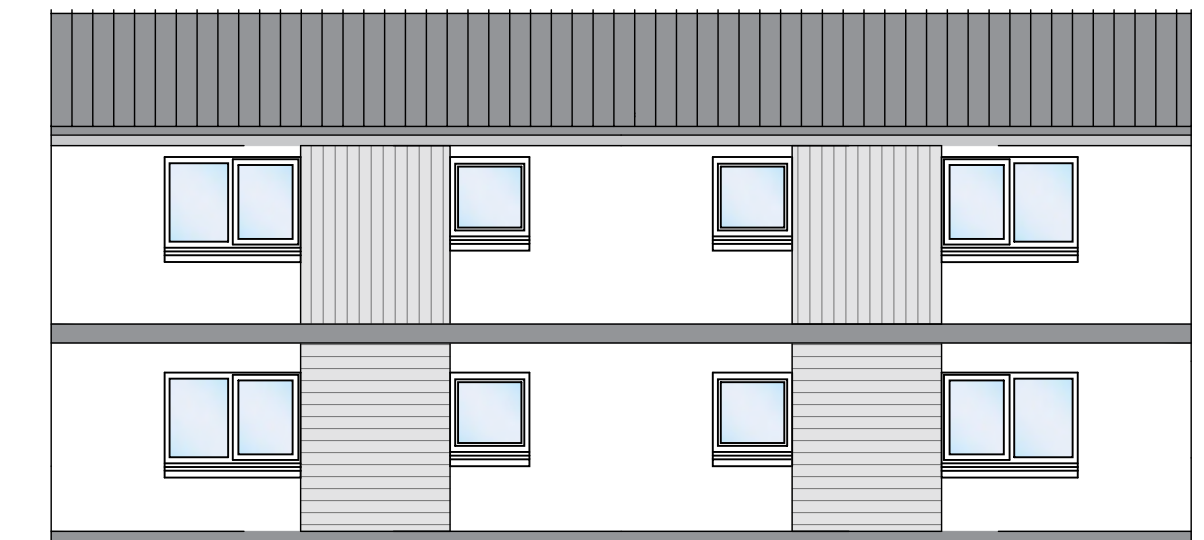
FIRST FLOOR - 54.2m²



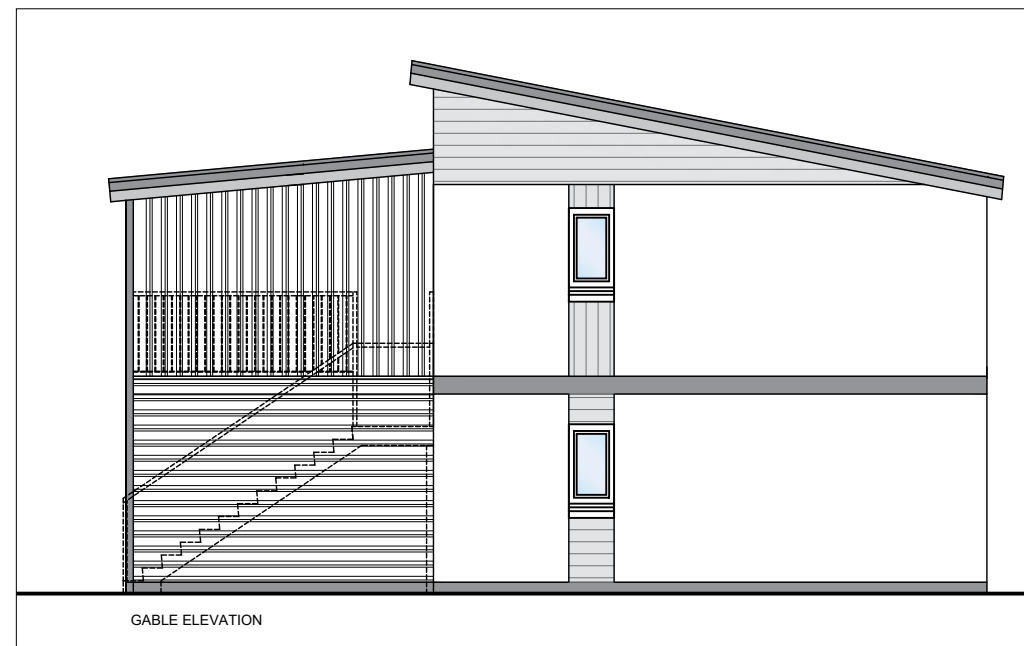
GROUND FLOOR - 54.2m²



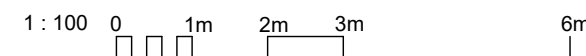
FRONT ELEVATION



REAR ELEVATION



GABLE ELEVATION



REV	DATE	DESCRIPTION	DRN
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Bracewell Stirling CONSULTING

38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301
 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760
 15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

NEW HOUSING & FIT HOMES AT
 CAWDOR ROAD, NAIRN
 ALBYN HOUSING SOCIETY LTD

FLOOR PLANS & ELEVATIONS - TYPE 3



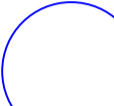




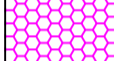

STATUS: **PLANNING**

SCALE: 1 : 100	DRAWN: DW
PAPER SIZE: A3	DATE: Dec 2018

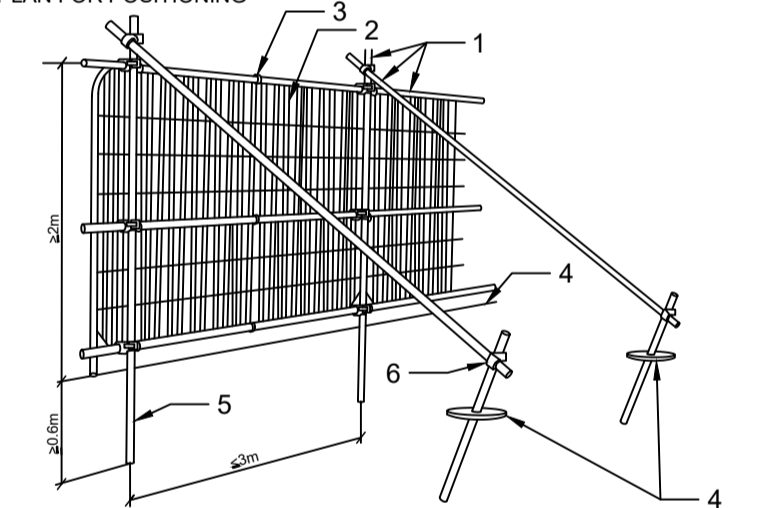
DWG No. 4441-01-102	REV.
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Tree Protection Plan showing tree categories and root protection zones.









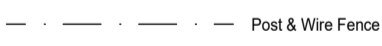







BS5837:2012 Tree Categories

-  Root Protection Area
-  Category A: Tree of high quality with a remaining life expectancy of at least 40 years.
-  Category B: Tree of high quality with a remaining life expectancy of at least 20 years.
-  Category C: Tree of low quality with a remaining life expectancy of at least 10 years.
-  Category U: Tree of poor quality with a remaining life expectancy of less than 10 years.
-  Tree for Removal
-  Tree protection Fencing
-  Geoweb Root Protection
-  Root trimming Area

DEFAULT TREE PROTECTION FENCING AS RECOMMENDED BY BS 5837:2012 SEE PLAN FOR POSITIONING

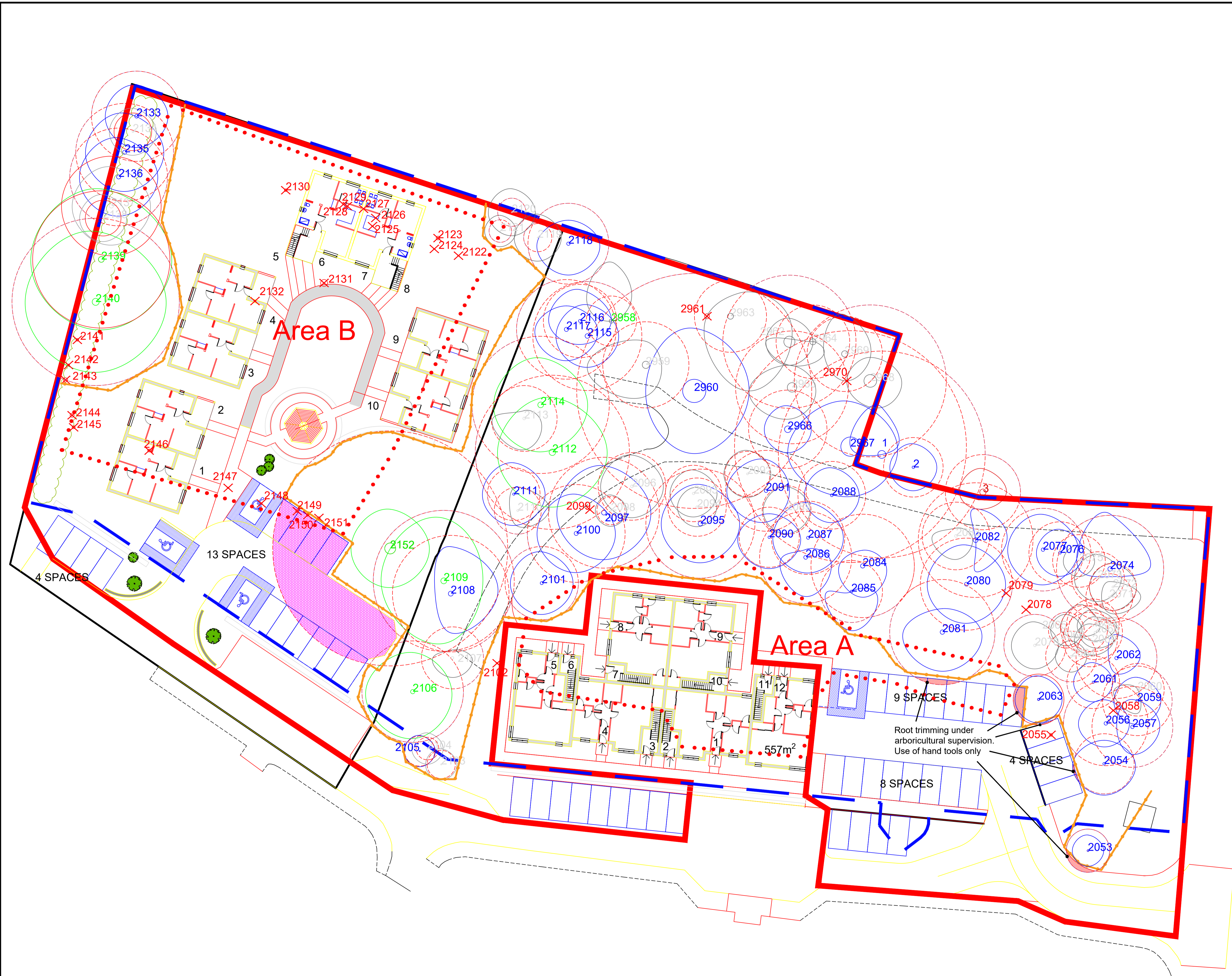


1. Standard scaffold poles
2. Heavy gauge 2m tall galvanised tube and welded mesh infill panels
3. Panels secured to uprights and crossed with wire ties
4. Ground level
5. Uprights driven into the ground until secure (minimum depth 0.6m)
6. Standard scaffold clamps

-  Survey Station
-  Sign / Stay
-  Lamp Post
-  Telegraph Pole
-  Electricity Pole
-  Stop Valve
-  Fire Hydrant
-  Marker Post
-  Post & Wire Fence
-  Chainlink Fence
-  Water Main
-  Gas Main
-  Telephone Line
-  Electricity Line
-  Wood / Tree Cover
-  Stream / Ditch

Cawdor Road
Nairn
Tree Protection Plan

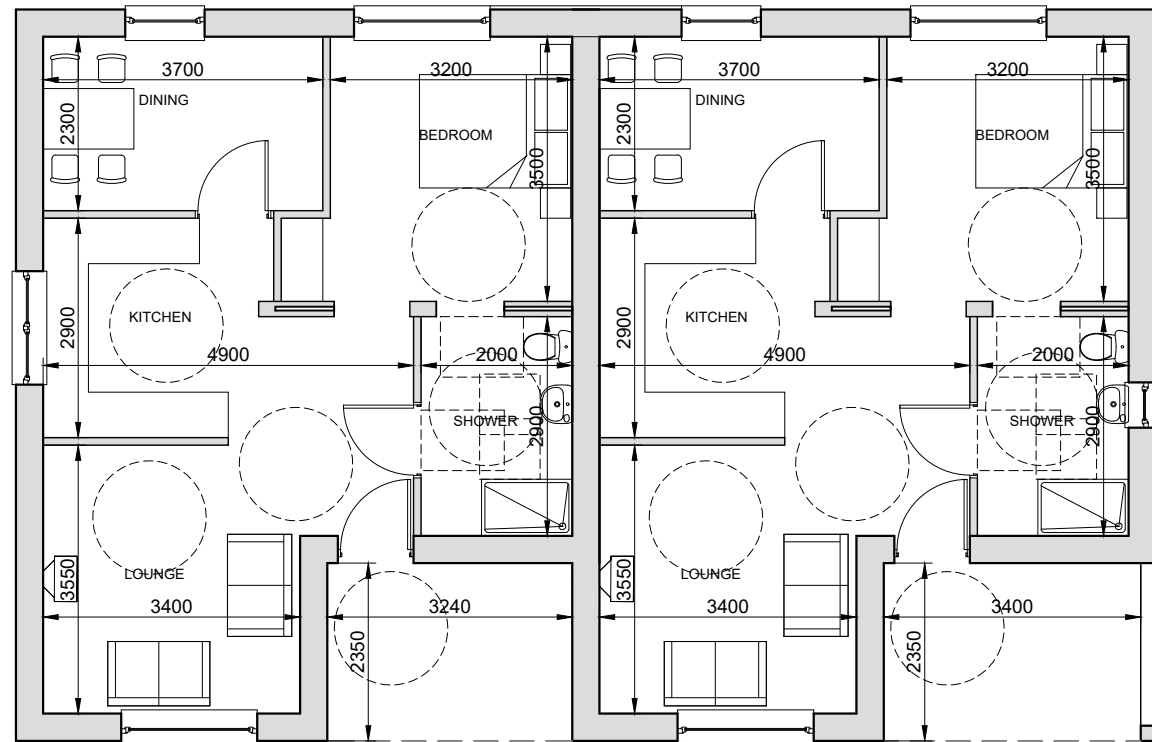
Client: Bracewell Stirling 5 Ness Bank Inverness V2 4SF	Drawing No: 104601/a-TPP
Scale: 1:250	Surveyed by: HH / EH
Date: 25th July 2019	Checked by: HH
ACAD File No: 104601.DWG	Sheet: 1 of 1
Grid Used: Local Based on OS	Level Datum Used: Ordnance (GPS)



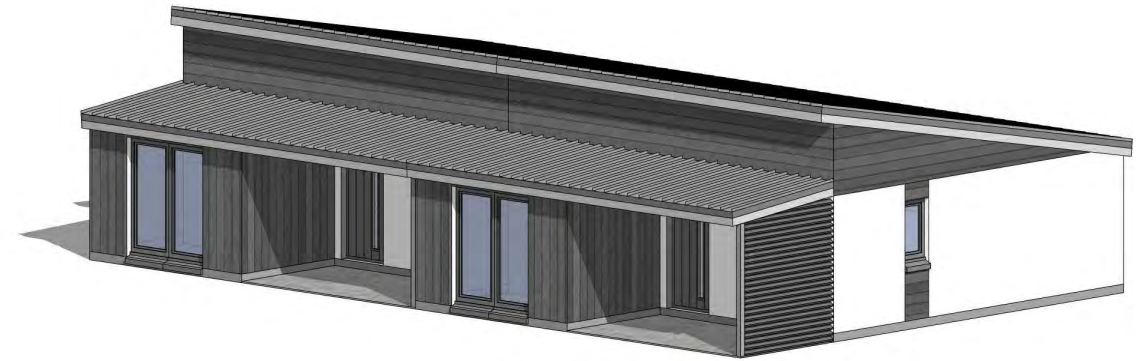
Root trimming under arboricultural supervision. Use of hand tools only.

Area A

Area B



GROUND FLOOR - 54.2m²



FRONT ELEVATION



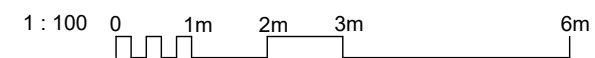
GABLE ELEVATION



REAR ELEVATION



GABLE ELEVATION



REV	DATE	DESCRIPTION	DRN
A	31.05.19	Windows in rear elevation moved.	AMacR

Bracewell Stirling CONSULTING

38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301
 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760
 15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

NEW HOUSING & FIT HOMES AT
 CAWDOR ROAD, NAIRN
 ALBYN HOUSING SOCIETY LTD

FLOOR PLANS & ELEVATIONS - TYPE 1

STATUS: **PLANNING**

SCALE:	1 : 100	DRAWN:	DW
PAPER SIZE:	A3	DATE:	Dec 2018

DWG No.	4441-01-100	REV.	A
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VIEW OF APPROACH FROM ACCESS ROAD



VIEW LOOKING ACROSS NEW PARKING AND ENTRANCE FEATURE



VIEW FROM EXISTING BUILDING

A	31.05.19	Images altered to show revised proposals to retain trees.	AMacR
REV	DATE	DESCRIPTION	DRN

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38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301
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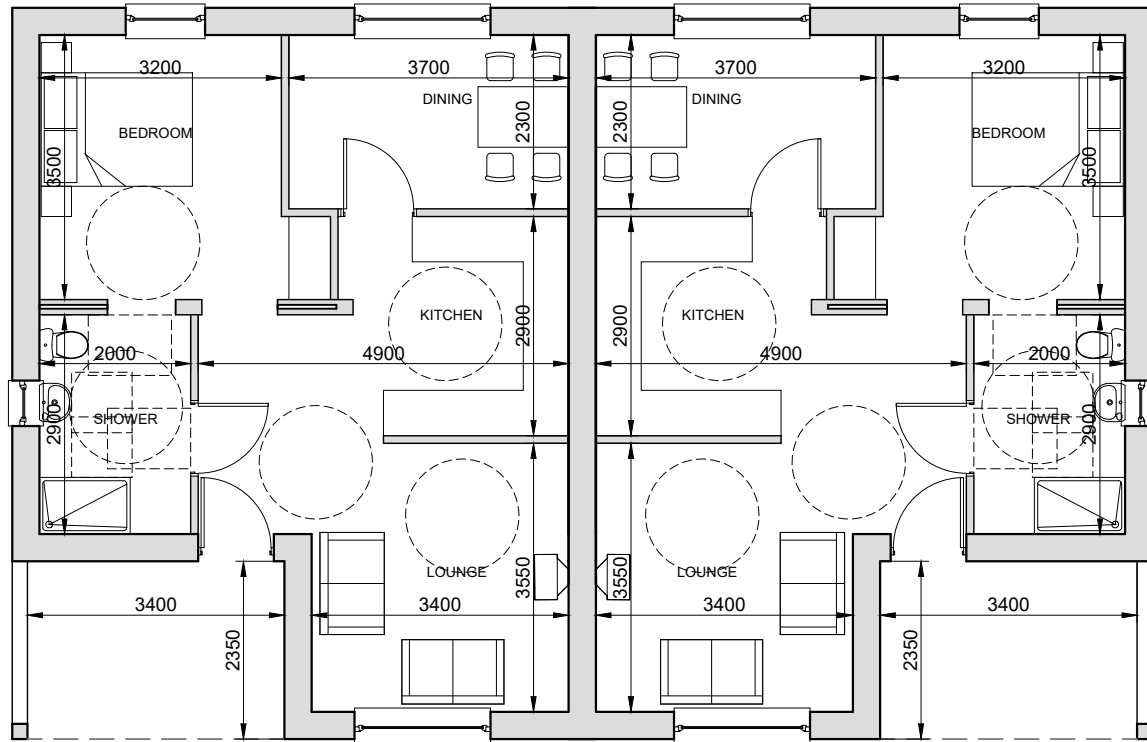
NEW HOUSING & FIT HOMES AT
 CAWDOR ROAD, NAIRN
 ALBYN HOUSING SOCIETY LTD

MODEL IMAGES

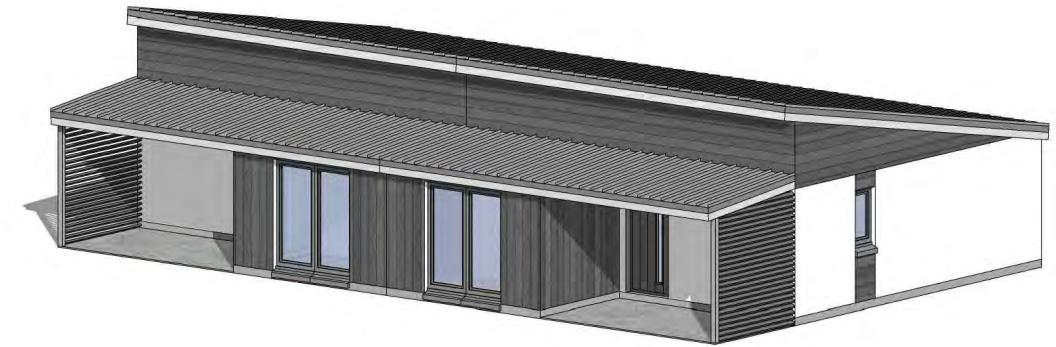
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SCALE:	DRAWN:	DW
PAPER SIZE: A3	DATE:	Dec 2018

DWG No.	4441-01-002	REV. A
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GROUND FLOOR - 54.2m²



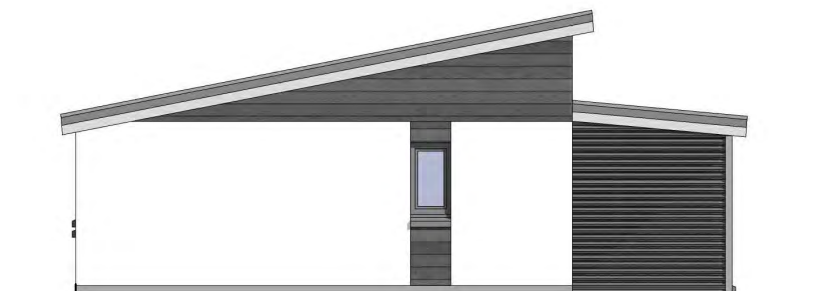
FRONT ELEVATION



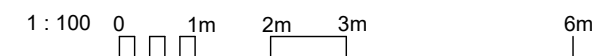
GABLE ELEVATION



REAR ELEVATION



GABLE ELEVATION



REV	DATE	DESCRIPTION	DRN
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38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301
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NEW HOUSING & FIT HOMES AT
 CAWDOR ROAD, NAIRN
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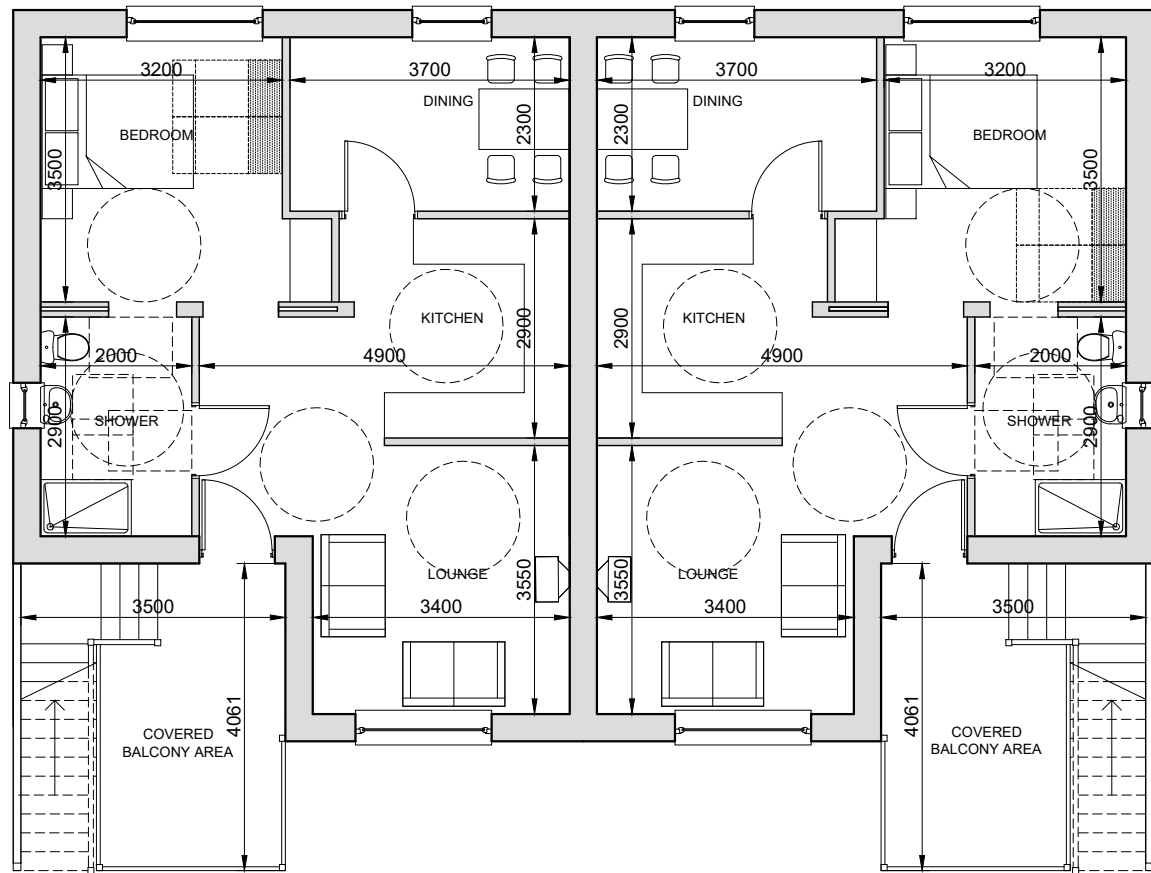
FLOOR PLANS & ELEVATIONS - TYPE 2

STATUS: **PLANNING**

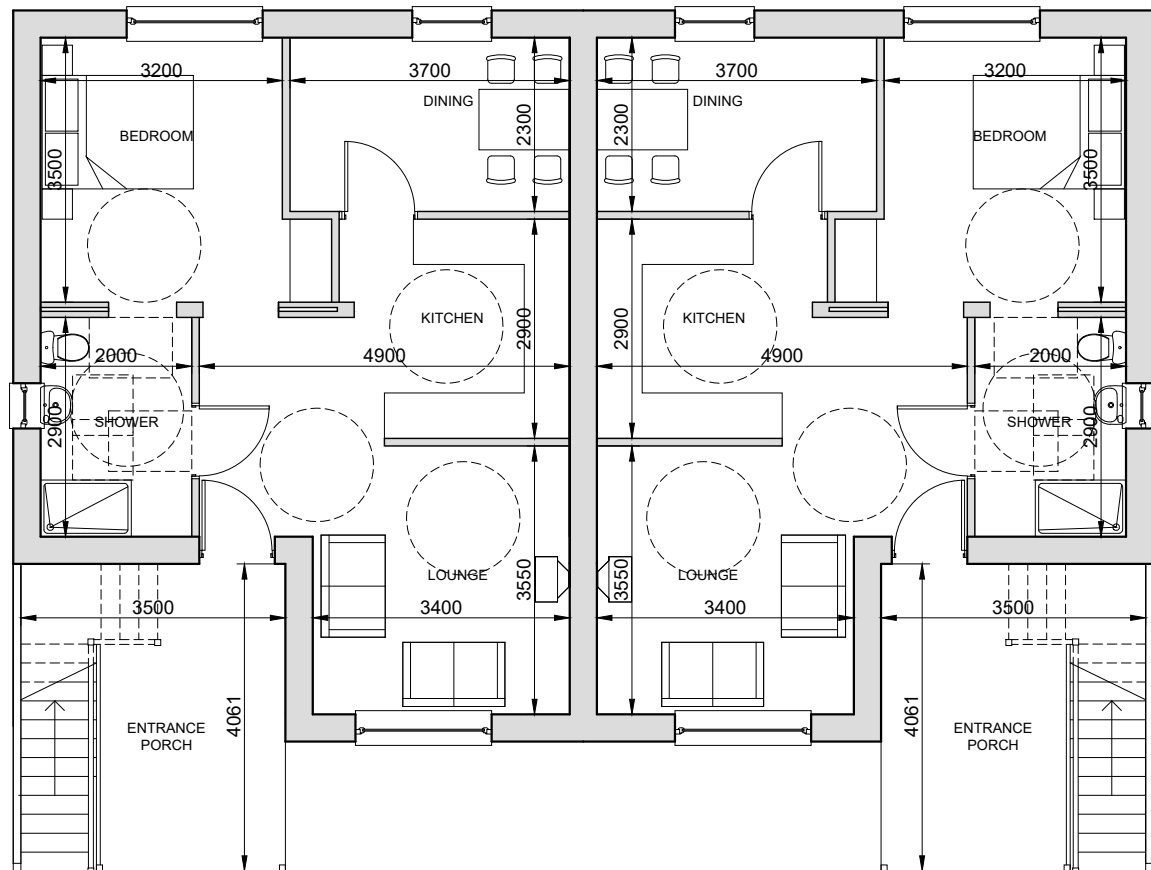
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PAPER SIZE: A3 DATE: Dec 2018

DWG No. **4441-01-101** REV.



FIRST FLOOR - 54.2m²



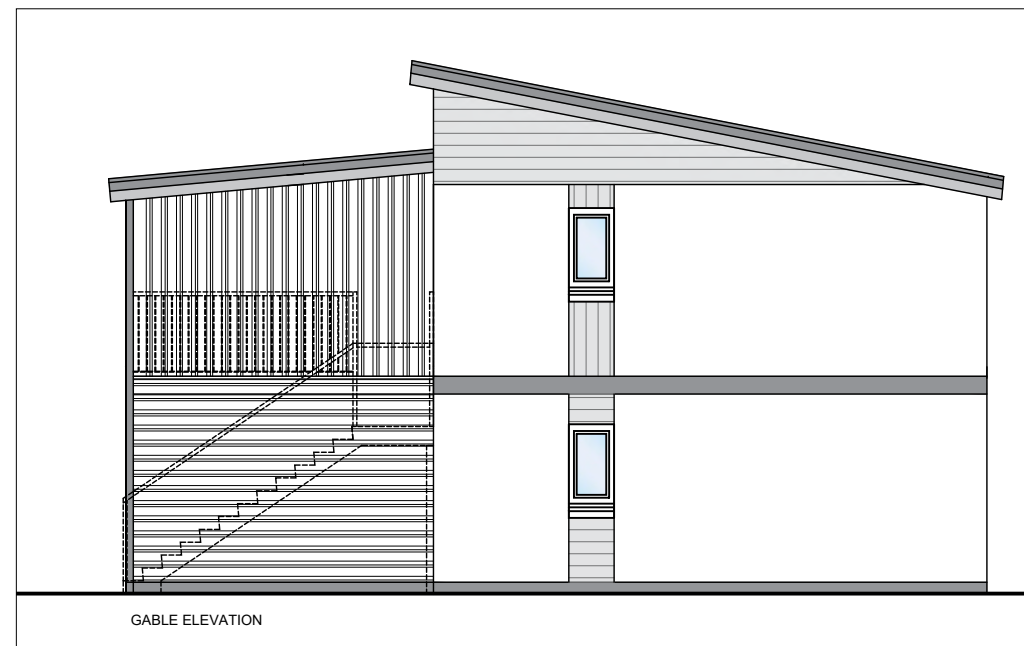
GROUND FLOOR - 54.2m²



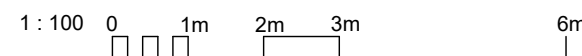
FRONT ELEVATION



REAR ELEVATION



GABLE ELEVATION



REV	DATE	DESCRIPTION	DRN
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NEW HOUSING & FIT HOMES AT
 CAWDOR ROAD, NAIRN
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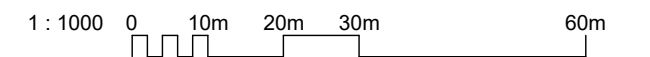
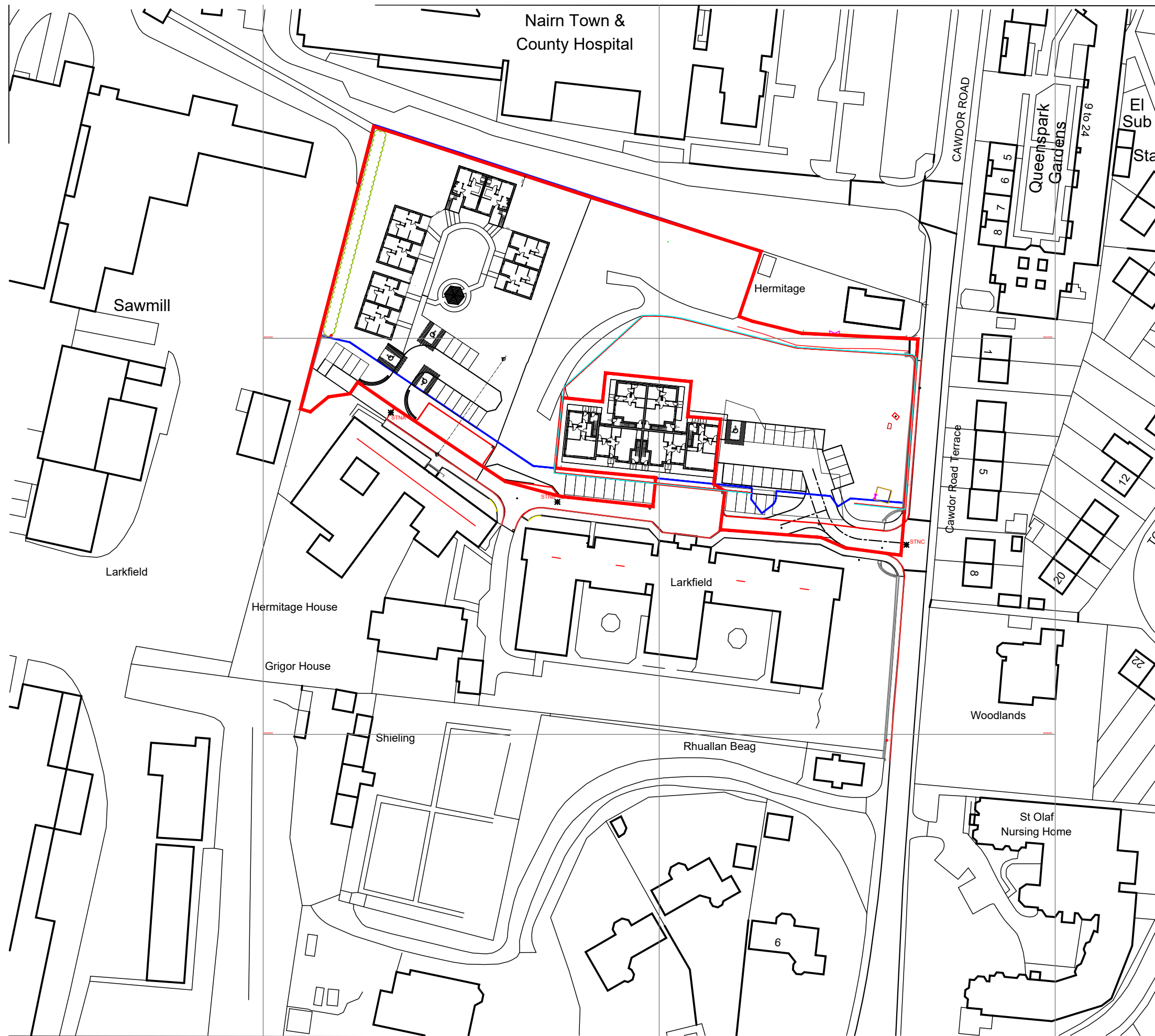
FLOOR PLANS & ELEVATIONS - TYPE 3

STATUS: **PLANNING**

SCALE: 1 : 100 DRAWN: DW

PAPER SIZE: A3 DATE: Dec 2018

DWG No. 4441-01-102 REV.



REV	DATE	DESCRIPTION	DRN
A	04.06.19	Red line boundary extended.	AMacR

Bracewell Stirling CONSULTING

38 WALKER TERRACE, TILlicOLTRY, FK13 6EF 01259 750301
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NEW HOUSING & FIT HOMES AT
 CAWDOR ROAD, NAIRN
 ALBYN HOUSING SOCIETY LTD

LOCATION PLAN

STATUS: **PLANNING**

SCALE:	1 : 1000	DRAWN:	--
PAPER SIZE:	A3	DATE:	May 2019

DWG No.	4441-02-LOC	REV.	A
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WELLINGTONIA

SCALE 1:100

SECTION AT WELLINGTONIA





- KEY**
- Existing trees - Refer to Pals Tree Survey Report and Tree Constraints Information for full details of retained trees and trees to be felled. (August 2018)
 - Proposed Acoustic Barrier between site and Sawmill- refer to Bracewell Stirling drawing for full details.
 - Proposed fastigiate tree planting, 3-3.5m tall Birch, Cherry and Rowan trees in screening shrub planting to front of Thuja hedging.
 - Proposed 2-2.5m tall, multi-stemmed Katsura trees.
 - Proposed 3-3.5m tall, selected standard tree planting- Birch, Maple, Hornbeam and Rowan species.
 - Proposed 3-3.5m tall, selected standard tree planting- Fastigiate Dawyck Beech.
 - Proposed 1.5-2m tall, feathered tree planting to open spaces.
 - Proposed 1.25-1.5m high feathered conifer trees: Monkey Puzzle, Spruce, Redwood and Swamp Cypress.
 - Proposed open spaces: top-soiled, cultivated and grass seeded.
 - Proposed purple Beech hedging to be maintained at 1m high.
 - Proposed washed gravel surfacing on weed control fabric.
 - Proposed 'Woodblock' raised timber planters for resident's gardens.

Proposed shrub planting with evergreen and deciduous species shrubs and fastigiate Birch, Cherry and Rowan trees.

Existing trees on Sawmill boundary to be felled to accommodate the proposed Acoustic Barrier. Replacement tree planting proposed in new shrub bed.

Proposed replacement trees at new Fit housing entrance: Maple, Birch, Wellingtonia and Monkey Puzzle.

Proposed looping paths with occasional seating for resident's use.

Proposed 'Woodblock' raised timber planters to provide compact garden spaces for future resident's use.

Existing shrub / scrub layers to be cut back to allow for construction of flats. Works to include shrub pruning, leaf collections and removal of rubbish. Replacement shrub planting to be undertaken in cleared areas within woodland edge.

Proposed covered seating area / Gazebo with scented shrub planting and low evergreen hedging and pencil conifers at courtyard entrance.

Proposed replacement feature conifers.

Hospital

Hermitage

Existing shrub / scrub layers to be cut back to allow for construction of flats. Works to include shrub pruning, leaf collections and removal of rubbish. Replacement shrub planting to be undertaken in cleared areas within woodland edge.

Proposed mature woodland shrubs to be planted along woodland edge: Holly, Hazel, Cornus, Prunus and Parrotia species.

Area A

Flats

557m²

9 SPACES

8 SPACES

4 SPACES

16.70

17.40

16.70

17.40

16.70

17.40

Cawdor Road Terrace

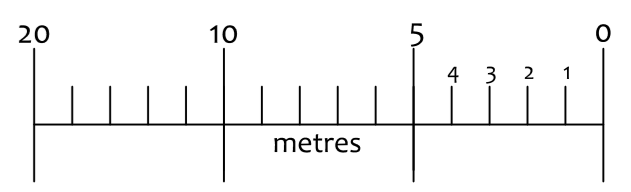
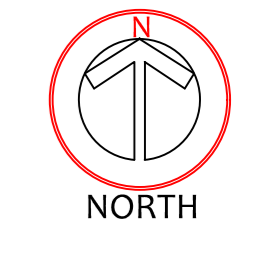
CAWDOR ROAD

Proposed replacement Scots Pine tree planting along Cawdor Road. (Subject to services check.)

Existing close mown grass area retained.

Existing trees - refer to PALS Tree Services Tree Constraints Plan for full details of tree protection measures.

Proposed feature conifer at car park entrance.



REVISIONS

A	14.01.20	Landscape proposals adjusted to Client's requirements.KW
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KEITH L WOOD LANDSCAPE DESIGN

1, Old Branziel Cottage, Belmont, By Torrance, Glasgow, G64 4AH.
 Tel: 0141 625 5588 Mobile: 0754 895566
 email: keith.l.wood@btopenworld.com
 www.keithwoodlandscapedesign.scot

Project Title: NEW HOUSING AND FIT HOMES, CAWDOR ROAD, NAIRN.

CLIENT: ALBYN HOUSING SOCIETY LTD

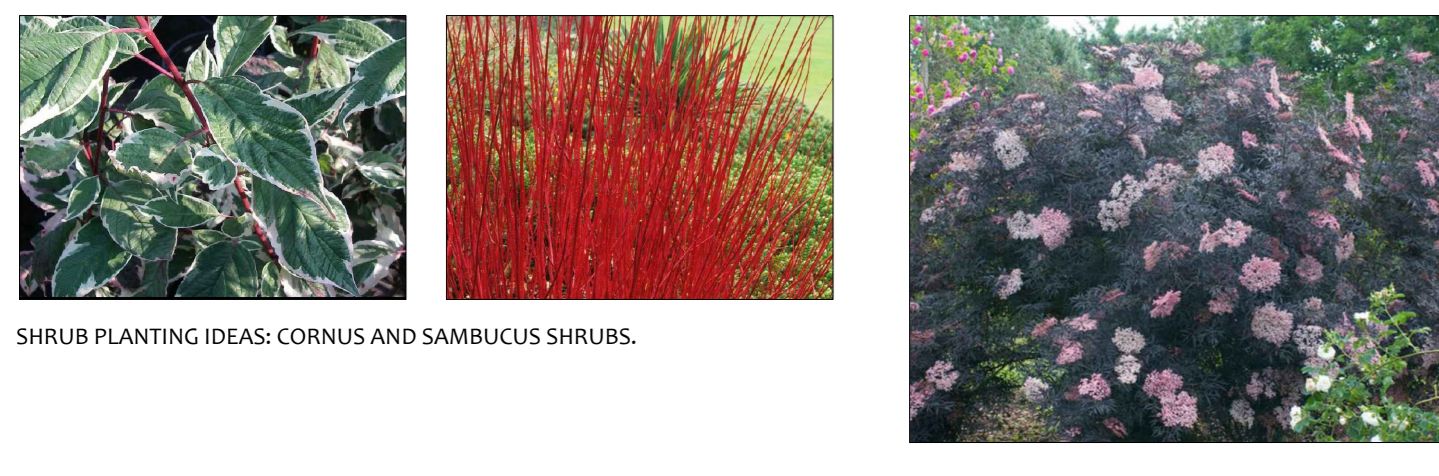
DRAWING TITLE: LANDSCAPE PROPOSALS

PRELIMINARY

Scale	1:200 @ A0	Date	24.01.20
Drawn	k.wood	Approved	
Drawing No.	A15 10.20 SL-01	Rev.	A



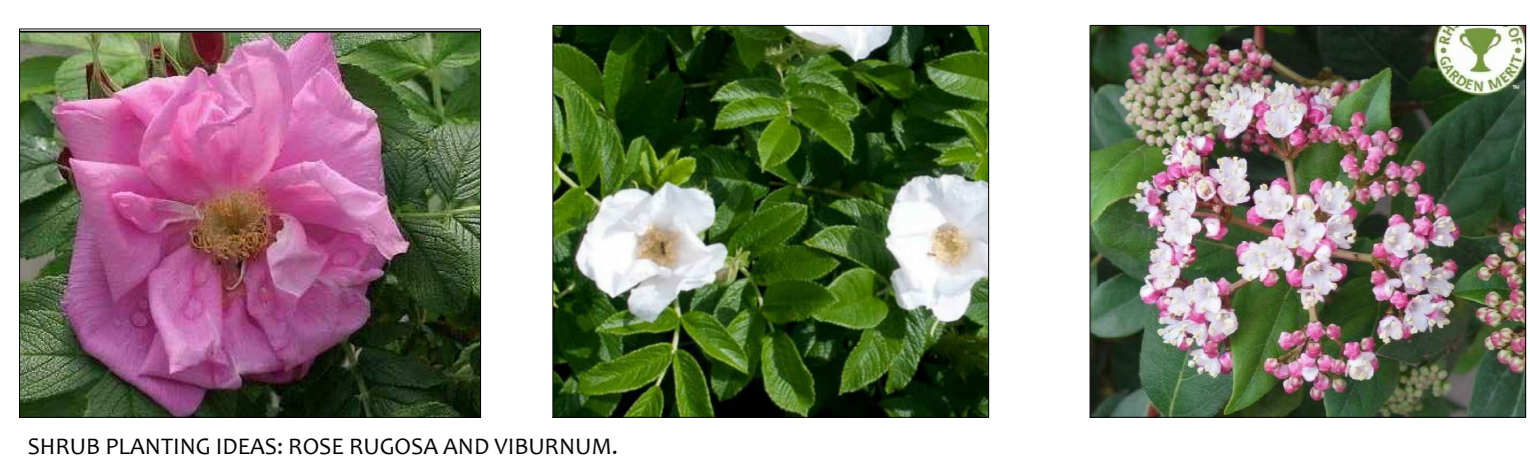
SCREENING: FASTIGIATE BIRCH, ROWAN AND CHERRY TREES (To front of Acoustic Barrier).



SHRUB PLANTING IDEAS: CORNUS AND SAMBUCUS SHRUBS.



SHRUB PLANTING IDEAS: COTONEASTER, MAHONIA AND NEPETA SHRUBS.



SHRUB PLANTING IDEAS: ROSE RUGOSA AND VIBURNUM.



SHRUB PLANTING IDEAS: POTENTILLA AND CEANOTHUS SHRUBS.

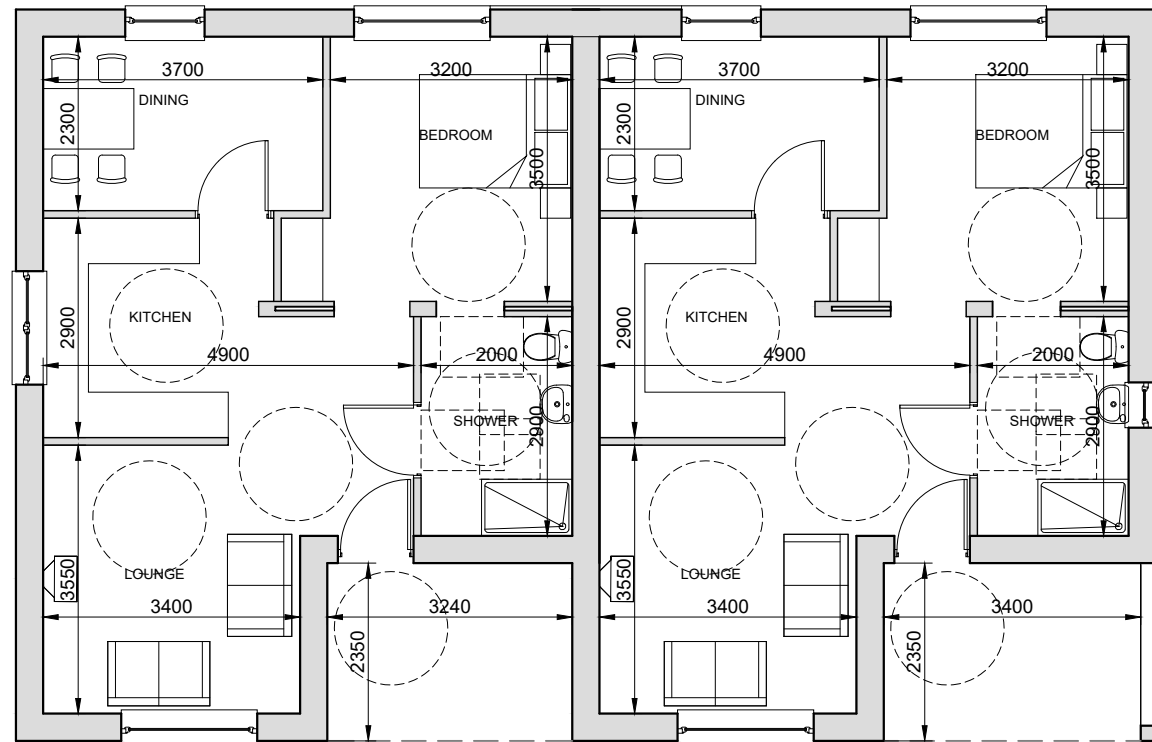


Examples of 'Woodblock' raised timber planters for FIT Homes Gardens. www.woodblock.co.uk

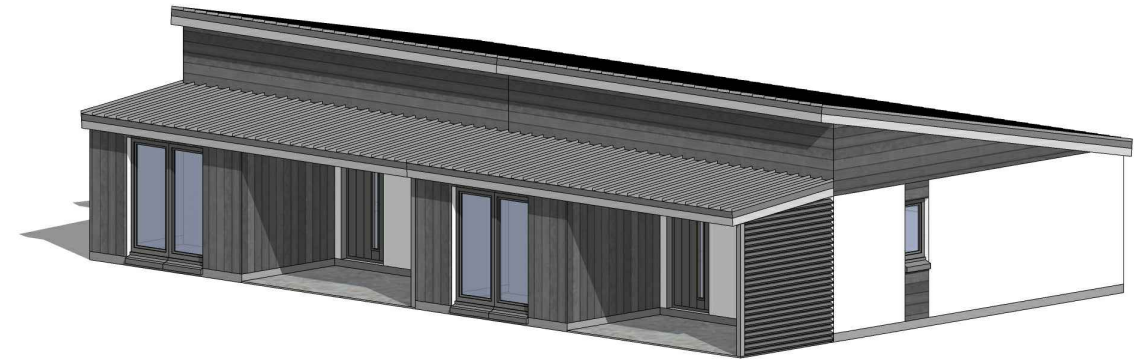


Bench seating examples- recycled plastic- Funitubes 'Aberdeen' or Goplastics 'Bonni'

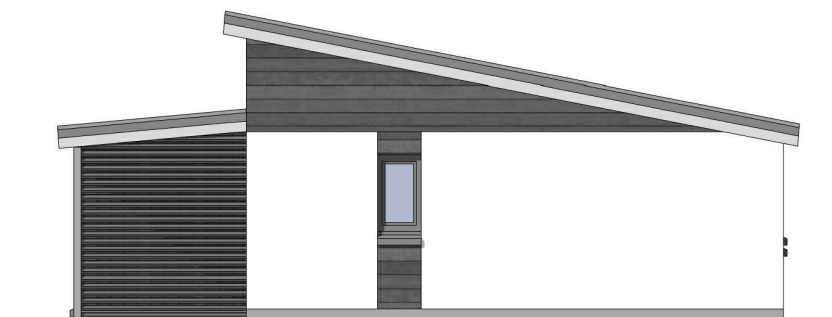
NEW HOUSING AND FIT HOMES AT CAWDOR ROAD, NAIRN- SOFT LANDSCAPE PROPOSALS 1:200



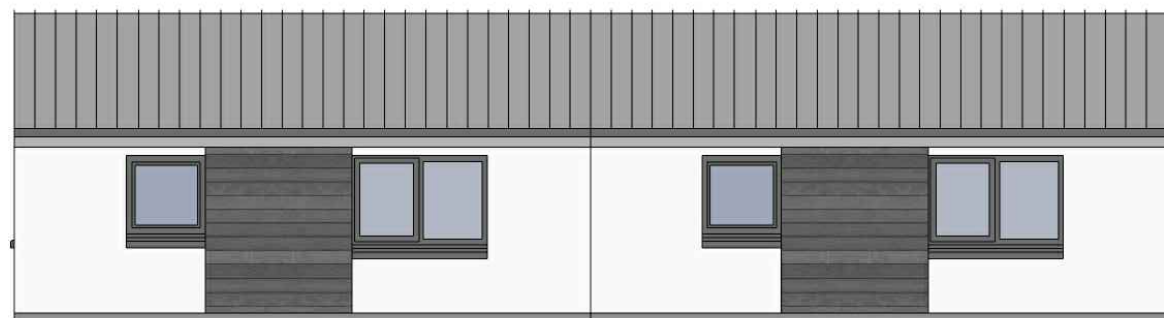
GROUND FLOOR - 54.2m²



FRONT ELEVATION



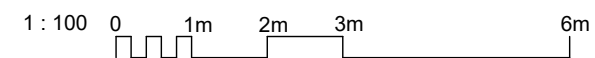
GABLE ELEVATION



REAR ELEVATION



GABLE ELEVATION



REV	DATE	DESCRIPTION	DRN
A	31.05.19	Windows in rear elevation moved.	AMacR

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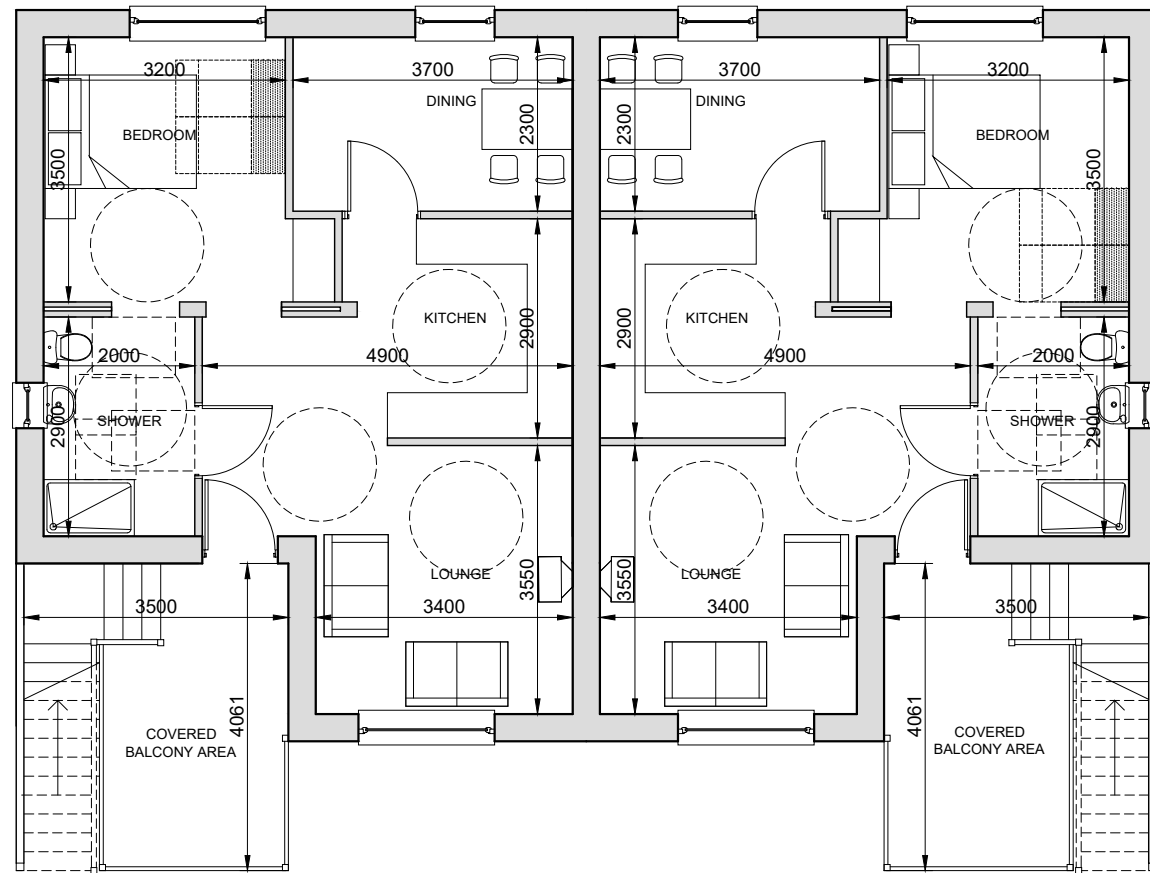
NEW HOUSING & FIT HOMES AT
 CAWDOR ROAD, NAIRN
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FLOOR PLANS & ELEVATIONS - TYPE 1

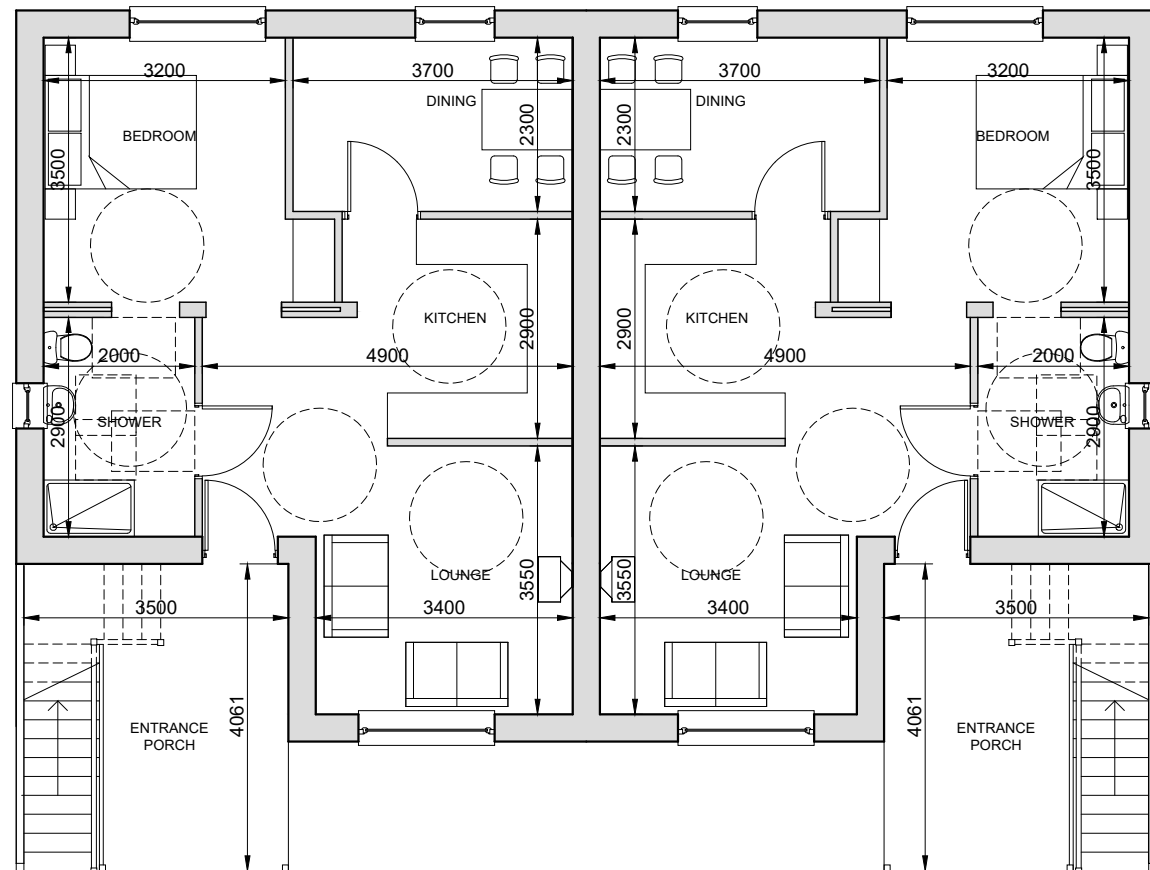
STATUS: **PLANNING**

SCALE:	1 : 100	DRAWN:	DW
PAPER SIZE:	A3	DATE:	Dec 2018

DWG No.	4441-01-100	REV.	A
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FIRST FLOOR - 54.2m²



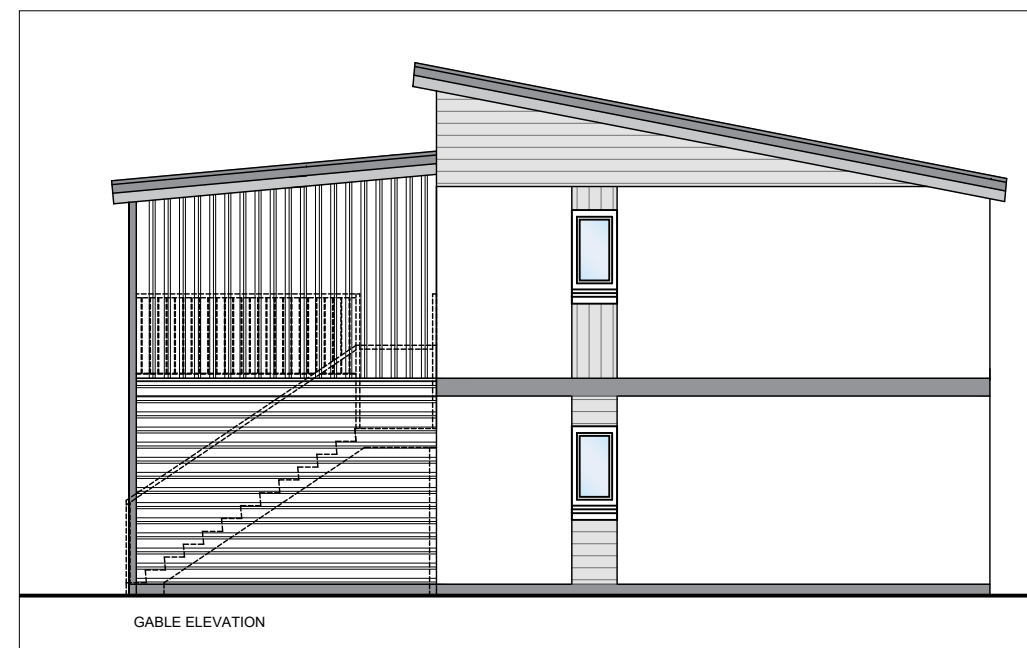
GROUND FLOOR - 54.2m²



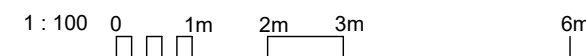
FRONT ELEVATION



REAR ELEVATION



GABLE ELEVATION



REV	DATE	DESCRIPTION	DRN
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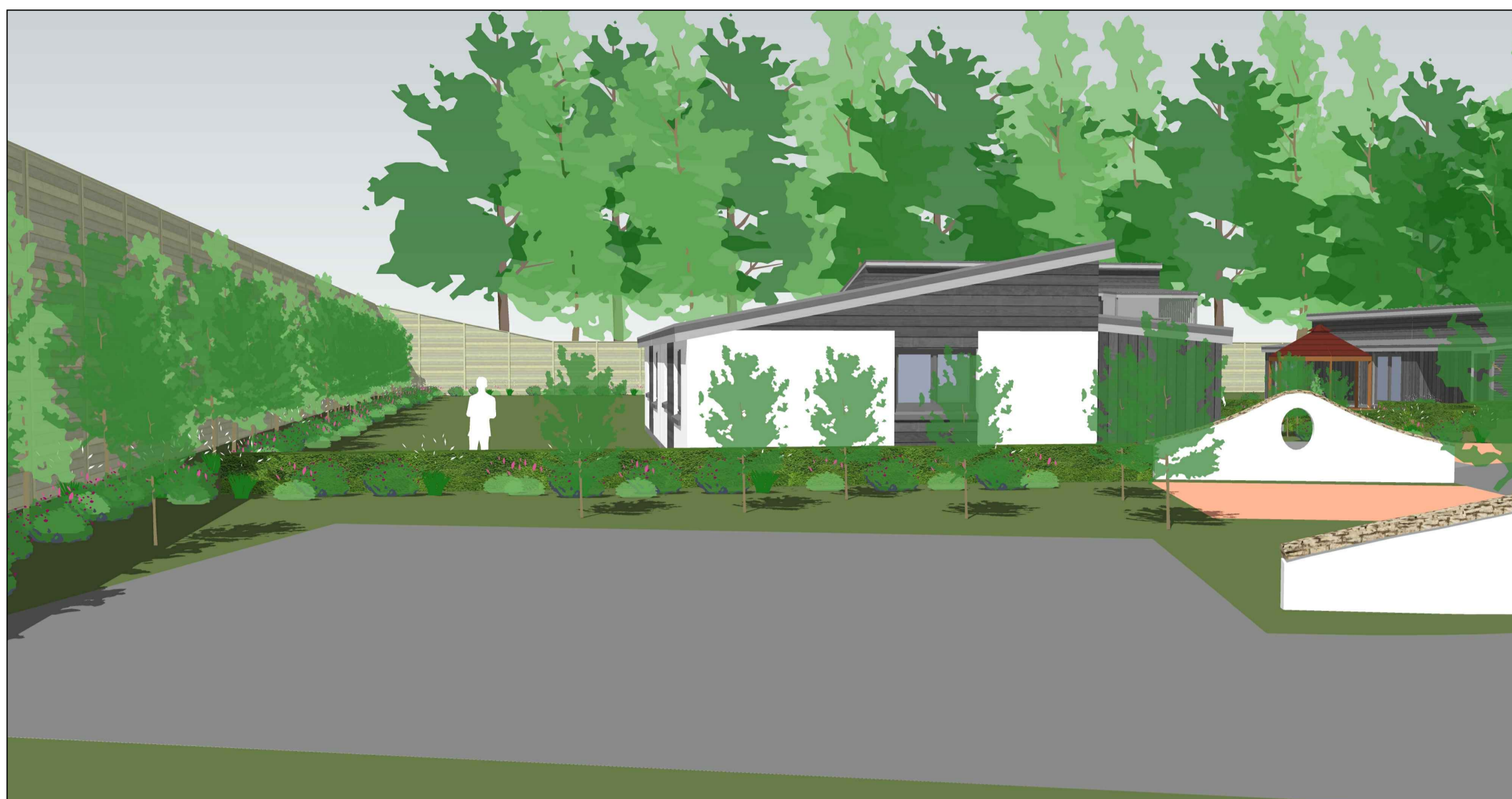
NEW HOUSING & FIT HOMES AT
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 ALBYN HOUSING SOCIETY LTD

FLOOR PLANS & ELEVATIONS - TYPE 3

STATUS: **PLANNING**

SCALE: 1 : 100	DRAWN: DW
PAPER SIZE: A3	DATE: Dec 2018

DWG No. 4441-01-102	REV.
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GRAMM
Noise Barrier - Acoustic Fencing
Tried, Tested, Trusted

Gramm Barrier Systems SoundBlok Range

NATURAL SoundBlok® REFLECTIVE

Gramm Barrier Systems NATURAL SoundBlok Reflective barrier range has a classic look most suited to rural environments. Gramms have spent a great deal of time developing our Timber Noise Barrier design to provide high decibel reductions whilst maintaining a 30 year maintenance free design life.

Unlike other systems, Gramms do NOT use a long and grove system, as timber naturally wants to expand and contract in the varying weather conditions which cause gaps to open along the joints allowing noise to pass through.

Gramm Barrier Systems NATURAL SoundBlok Reflective barrier range uses a unique double acoustic board design on structural supports which allow the timber to move whilst maintaining an acoustic seal for the full life span.

Our range of timber barriers can be manufactured to suit the requirements of each individual site, ensuring the barrier system provides the highest level of sound reduction available.

Gramm Barrier Systems NATURAL SoundBlok Reflective barrier are constructed off site under strict quality controls providing the highest level of construction which conforms to all the latest standards required for all sectors. Alternatively, our Timber Reflective range can be installed place and in situ, to allow for varying ground conditions and obstacles.

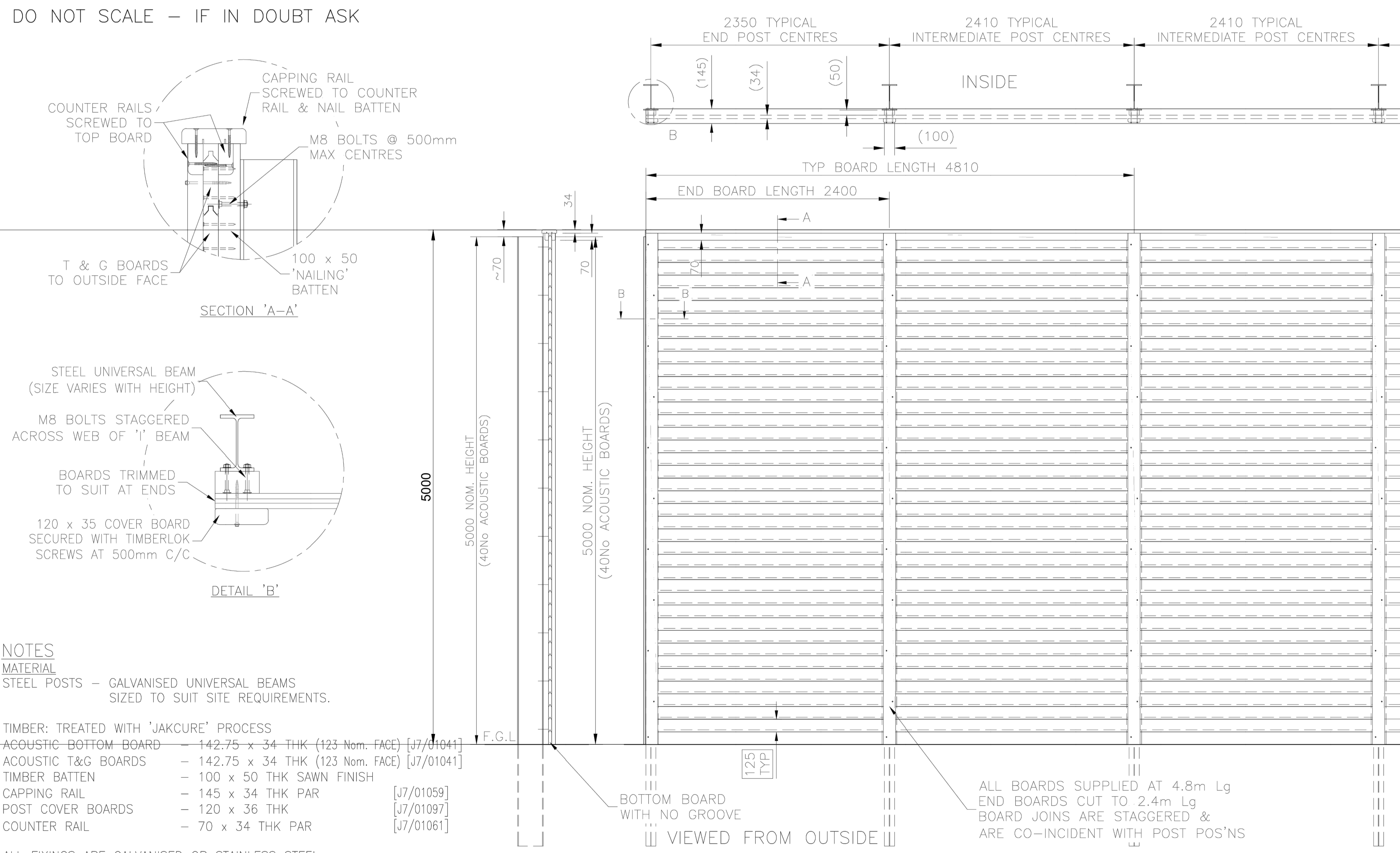
NATURAL SoundBlok Reflective panels are constructed using treated, treated & pressure treated timber which is sourced from an FSC approved supplier.

The panels consist of horizontal structural rails and structural gravel boards. The face side is then clad with vertical acoustic boards and cover boards and secured by a weathered capping. All elements are fixed using stainless steel structural ring brackets made and forged.

Applications: Road, Rail, Airport, Commercial, Industrial, Urban, Ports, Defence, Residential, Housing.



DO NOT SCALE - IF IN DOUBT ASK



Noise

Potential noise nuisance from the adjacent site is a significant design factor for the development to address. A noise survey was required and the parameters for this were set by HC Environmental Health taken from the Highland Wide Local Development Plan Policy 18 Nairn South. It should be noted that this site does not come within the catchment of this policy so it is not a material consideration for this site. It should also be noted that Policy 18 is aimed at providing for potential expansion of the sawmill and to protect the sawmill from potential noise conflict with new housing which is also within the development plan.

This site is within the existing settlement area where the hospital, the care home and other housing are currently adjacent to the sawmill so are subject to the noise generated by its current operations. To date there have been no noise complaints from the care home regarding current operations at the sawmill. We would suggest that there would be little scope to expand or change operations in this area without affecting the existing equilibrium between the current land uses. It would be expected that any expansion or changes to operations would be to the south where this is planned for within the development policy.

A noise survey has been carried out on site by a firm of acousticians and the conclusion of the survey was that there was a moderate noise issue on the site. Both the sawmill and Environmental Health raised concerns that the noise survey did not fully explore the acoustic features of the noise from the sawmill (i.e bangs, clattering noises, vehicle reversing alarms, and machinery noise) which make it particularly annoying and intrusive and more likely to result in a change in behaviour to the future residents. For example, potentially causing residents to not use the amenity areas whilst the sawmill is operating, closing windows during the daytime, increasing volume of TV etc. The predicted sound reduction provided with a 5m acoustic barrier was deemed significant enough for Environmental Health to have no objection to the application if this was included in the proposals. It was their view that while there was a level of uncertainty in the calculations the 5m barrier provides a significant reduction in the noise level on site and allows for an increased margin of error in the predictions.

Acoustic Fence

Several design solutions for the barrier were considered including the combination of a bund and fence. After much consideration on the construction a 5m high proprietary timber acoustic fence is proposed with robust planting to soften and partly screen the fence. This is a much more suitable option in terms of cost, avoiding additional traffic movements to bring in material, space, buildability and visual intrusion.

'impact on individual and community residential amenity'

It is important that we address the potential impact of a 5m high fence which in many respects seems excessive but in this particular case it is entirely appropriate. The sawmill is an industrial business which currently sits in a town setting surrounded by many other building uses. The sawmill has pallets, buildings, materials and other structures piled up near the boundary to this site and these are much higher than would be screened by a normal 1.8m fence. This makes the outlook to this boundary and beyond rather unattractive therefore a high fence with planting would improve this edge. The site layout is designed that none of the main rooms look onto this boundary and it is only bedrooms which face in this direction. The outlook from the bedroom would be onto a pleasant shrub planted area with a fence behind and from the bedroom it would not be indistinguishable whether the fence is 1.8m high or 5m high. The current use of the site is unkept garden area so it is not currently used by the care centre and it is private ground so there is no definable community residential amenity. As is demonstrated from the 3D visualisations the fence and planting is not detrimental to the residential amenity, it enhances it in terms of providing an improvement on the current situation. The daylight analysis document illustrates that the impact of the fence on daylight is not any more significant than the existing trees.

Daylighting Analysis

A 5m high fence may be viewed as having the potential to excessively overshadow any new housing and the amenity area. There are very tall mature existing trees on this western boundary which vary in height from 15-20m in height. These trees provide significant overshadowing to this area of the site mainly affecting evening sun. We have carried out comparative shading diagrams for the existing trees and for the 5m fence which are provided in a separate document. At around 4pm there is overshadowing from this boundary and although the shading caused by the taller trees is more significant neither scenario affects the communal amenity garden. Only the area to the rear of the units is completely shaded in any of the scenarios and this is not intended for amenity use.

